



Coal-Mining (Subsidence) Act 1957

1957 CHAPTER 59

13 Determination of disputes

- (1) Save as otherwise provided by or under this Act, any question arising under this Act shall, in default of agreement, be referred—
 - (a) in England and Wales, in a case where the damaged property in relation to which the question arises constitutes or is comprised in a hereditament for rating purposes of a net annual value not exceeding one hundred pounds, or in any other case where all the parties so agree, to the county court;
 - (b) in any other case in England and Wales, to the Lands Tribunal;
 - (c) in Scotland, to the sheriff.
- (2) Where in any proceedings under this Act the question arises whether any damage to property is subsidence damage, and it is shown that the nature of the damage and the circumstances are such as to indicate that the damage may be subsidence damage, the onus shall be on the Board to show that the damage is not subsidence damage.
- (3) The tribunal, court or sheriff by whom any question is heard and determined under this Act may make such orders as may be necessary to give effect to its or his determinations and in particular may by order—
 - (a) require the Board to carry out any obligations imposed upon them by this Act within such period as the tribunal, court or sheriff may direct;
 - (b) award damages in respect of any failure of the Board to carry out any such obligations within a reasonable time.
- (4) If proceedings are brought under this Act before a county court, the judge of the court may, if he thinks fit, summon an assessor or assessors under subsection (1) of section eighty-eight of the County Courts Act, 1934, notwithstanding that no application is made in that behalf by any party to the proceedings.
- (5) In proceedings brought under this Act in Scotland, the court may, if it thinks fit, summon to its assistance at the proof or at any subsequent hearing, whether on appeal or otherwise, a specially qualified assessor or assessors.
- (6) Where the court summons an assessor or assessors in any proceedings by virtue of either of the two last foregoing subsections—

Status: This is the original version (as it was originally enacted).

- (a) the assessor or assessors may, if so directed by the court, inspect the property to which the proceedings relate on behalf of the court and report to the court in writing thereon; and
 - (b) the court may, on consideration of the report and any observations of the parties thereon, give such judgment or make such order in the proceedings as may be just.
- (7) The remuneration of an assessor summoned as aforesaid shall be defrayed out of moneys provided by Parliament.
- (8) Where in proceedings under this Act in Scotland the sheriff makes a remit by virtue of rule 60 in the First Schedule to the Sheriff Courts (Scotland) Act, 1907, the expense attending the execution of that remit shall, notwithstanding anything contained in that rule, be defrayed out of moneys provided by Parliament.
- (9) If the occupier of any premises refuses to afford the Board such facilities as they may require for the purposes of any provision of this Act (other than section five thereof) to enter upon, inspect and execute works on those premises, a magistrates' court, on a complaint made by the Board, or, where the premises are situated in Scotland, the sheriff on an application so made, may confer such powers to enter, inspect and execute works on the premises as may appear to the court or the sheriff to be necessary and order the occupier to permit the exercise of those powers:

Provided that this subsection shall not apply to any premises occupied by or on behalf of the Crown.