



Brine Pumping (Compensation for Subsidence) Act 1891

1891 CHAPTER 40

(iv.) Compensation Fund and Claims thereon

22 Damage for which compensation may be made

The damage for which compensation may be made under this Act shall be damage of any of the following kinds (and no other) arising from subsidence which has happened after the passing of this Act :—

- (1) Depreciation of land (but not including any erection or works on or under such land except as herein-after in this section provided) which shall subside or become permanently submerged, including any necessary expense of fencing in such land:
- (2) Destruction or structural damage of buildings and walls of all kinds, but not including damage to machinery or fixtures, whether removable or not:
- (3) The proper and necessary expense of building retaining walls or bolting together or underpinning or otherwise supporting, raising, or repairing buildings and walls:
- (4) The proper and necessary expense of altering the approaches to or the levels of lands or buildings :
- (5) The proper and necessary expense of raising, lowering, diverting, or making good private roads, bridges, fences, sewers, or drains.

Provided that no claim shall be made by any person unless he has such title to or interest in the property so damaged or some part thereof as would entitle him to recover in respect of such damage if the same had been caused by the wrongful excavation by any other person of strata underlying or supporting such property, and no claim shall be made except for damage as hereinbefore defined, and any compensation award shall in no case exceed the amount of the actual loss sustained by the person making the claim (herein referred to as the claimant), or exceed the amount of the expense necessary to make good any damage sustained, as herein-before defined, all circumstances which in the opinion of the board or other tribunal are material being taken into consideration.

Status: This is the original version (as it was originally enacted).

The compensation board shall have power to make contributions out of any sum to be levied under this Act towards the extra cost of building, rebuilding, or replacing any existing or future building within the area of its district on some system or style of building, whereby it can conveniently be raised, and may also provide plans and models of buildings recommended as suitable and convenient for the purpose aforesaid.