
STATUTORY INSTRUMENTS

1991 No. 2509

COAL INDUSTRY

**The Coal Mining Subsidence (Notices
and Claims) Regulations 1991**

Made - - - - *5th November 1991*
Laid before Parliament *8th November 1991*
Coming into force - - *30th November 1991*

The Secretary of State, in exercise of the powers conferred upon him by sections 3(2), 13(2), 50 and 52 of, and by paragraph 4(1) of Schedule 5 and paragraph 3(2) of Schedule 6 to, the Coal Mining Subsidence Act 1991⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Coal Mining Subsidence (Notices and Claims) Regulations 1991 and shall come into force on 30th November 1991.

(2) In these Regulations “the Act” means the Coal Mining Subsidence Act 1991.

Particulars for inclusion in damage notices

2. A notice under section 3(1)(a) of the Act (notice of subsidence damage) shall contain the particulars specified in Schedule 1 to these Regulations.

Notice of works

3.—(1) The provisions of section 13(2)(b) of the Act (interval before beginning of works) shall not apply where the notice in question relates to remedial works in respect of which the Corporation have made an election under section 8 of the Act.

(2) The interval for the purposes of section 13(2)(b) of the Act is—

- (a) except where sub-paragraph (b) below applies, an interval of at least 7 days commencing with the day on which the notice is given and expiring on the day immediately preceding that on which the works are begun; and

- (b) where the Corporation have given the person executing the works notice in writing for the purposes of this sub-paragraph, an interval of at least 14 days commencing and expiring as mentioned in sub-paragraph (a) above.

Notices of uninhabitability

4. A notice for the purposes of paragraph 4(1)(a) of Schedule 5 to the Act (notice that dwelling-house not in reasonably fit state for use) shall—

- (a) be given within the period of 14 days beginning with the date on which the person giving the notice first formed the opinion in relation to the subsidence damage in question that the requirement specified in section 23(2)(a) of the Act was satisfied; and
- (b) contain the particulars specified in Schedule 2 to these Regulations.

Claims for farm loss payments

5. A claim under paragraph 3(1) of Schedule 6 to the Act (claim for farm loss payment) shall contain the particulars specified in Schedule 3 to these Regulations.

5th November 1991

John Wakeham
Secretary of State for Energy

SCHEDULE 1

Regulation 2

PARTICULARS TO BE CONTAINED IN DAMAGE NOTICES

The particulars referred to in regulation 2 are—

1. The name and address of the claimant and of any person acting on his behalf.
2. The address of the damaged property.
3. The type of property, including—
 - (a) if a house, whether detached, semi-detached or terraced; or
 - (b) if a flat or other part of a building used as a private-dwelling, whether purpose-built or a conversion.
4. If the property is not used exclusively for residential purposes, a brief description of its use.
5. Particulars of the legal interest of the claimant in the property.
6. The names and addresses (if known) of any other persons having a legal interest in the property (including mortgagees or, in Scotland, creditors under the heritable security) and the nature of their interest.
7. The approximate date of construction of each damaged part of the property.
8. Brief particulars of the damage.
9. The date, or approximate date, when the claimant first noticed the damage.
10. Whether the claimant has obtained a report on the condition of the property with a view to the possible preparation and prosecution of a damage notice and, if so, brief particulars of that report.
11. The days and times of the day when the property may be inspected.
12. Whether the property is ecclesiastical property or is otherwise held for religious purposes.
13. Whether the property is of a kind mentioned in section 19(1) of the Act (ancient monuments and listed buildings).

SCHEDULE 2

Regulation 4

PARTICULARS CONTAINED IN NOTICES OF UNINHABITABILITY

The particulars referred to in regulation 4 are—

1. The name and address of the claimant and of any person acting on his behalf.
2. The address of the dwelling-house.
3. The date, or approximate date, on which the subsidence damage first became evident.
4. The date on which the claimant first formed the opinion that the requirement specified in section 23(2)(a) of the Act was satisfied.
5. Brief particulars of the damage.
6. Particulars of any legal interest of the claimant in the dwelling-house.
7. If the claimant is not the owner of the dwelling-house—
 - (a) the name and address of the owner or his agent;
 - (b) the terms upon which the claimant is entitled to possession of the dwelling-house; and

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- (c) the date (if any) on which this right expires.
- 8. The name of any other person who is entitled to possession of the whole or part of the dwelling-house.
- 9. Whether the claimant was ordinarily resident in the dwelling-house during the period immediately before the subsidence damage became evident.
- 10. In respect of all persons who were ordinarily resident in the dwelling-house or, if the claimant was only entitled to possession of part of the dwelling-house, that part during the period immediately before the subsidence damage became evident—
 - (a) their name, age (if under 18 years) and sex;
 - (b) the family relationship (if any) between them; and
 - (c) their present address.
- 11. The days and times during the day when the dwelling-house may be inspected.

SCHEDULE 3

Regulation 5

PARTICULARS TO BE CONTAINED IN CLAIMS FOR FARM LOSS PAYMENTS

The particulars referred to in regulation 5 are—

- 1. The name and address of the claimant and of any person acting on his behalf.
- 2. In respect of the agricultural unit affected by subsidence damage—
 - (i) its address;
 - (ii) the legal interest of the claimant;
 - (iii) the acreage of the unit and of the area affected by subsidence damage;
 - (iv) the date the claimant was displaced;
 - (v) the value of the agricultural land comprised in the unit determined in accordance with paragraph 2(5) and (6) of Schedule 6 to the Act; and
 - (vi) the names and addresses of any other persons having a legal interest in the unit (including mortgagees or, in Scotland, creditors under the heritable security) and the nature of their interest.
- 3. In respect of the new agricultural unit—
 - (i) its address;
 - (ii) its acreage;
 - (iii) the date the claimant began farming; and
 - (iv) the legal interest of the claimant in the unit.
- 4. Particulars of the profit derived from the use of the damaged agricultural unit for agricultural purposes during—
 - (a) the year ending with the date of displacement and each of the two preceding years; or
 - (b) if the claimant was in occupation for less than 3 years from the date of displacement, each year or part of a year for which he was in occupation.
- 5. The amount of farm loss payment claimed.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision with respect to notices and claims under the Coal Mining Subsidence Act 1991.

The particulars to be contained in notices of subsidence damage, notices that a dwelling-house is not reasonably habitable and claims for farm loss payments are prescribed.

The regulations also exempt discretionary payments in lieu from the requirement that the notice of works be given a prescribed interval before the works are begun and they prescribe the interval to apply in the case of obligatory payments in lieu.