
STATUTORY INSTRUMENTS

1994 No. 2566

**The Coal Mining Subsidence
(Arbitration Schemes) Regulations 1994**

Costs of Arbitration Body

8.—(1) Subject to paragraph (2) below, the Secretary of State shall, in consultation with the Arbitration Body, as soon as reasonably practicable after the beginning of the financial year commencing on 1st April 1995 and every financial year thereafter make a determination for the purposes of this regulation by—

- (a) estimating the likely costs and expenses of the Arbitration Body during the financial year in question in connection with the carrying out of its functions under these Regulations; and
- (b) adding to or subtracting from that estimate, as appropriate, the amount, if any, by which the estimate made by him in accordance with this regulation for the preceding financial year, fell short of, or exceeded, the costs and expenses actually so incurred during that financial year.

(2) In the case of the determination made by the Secretary of State in accordance with paragraph (1) above for the financial year commencing on 1st April 1995, the Secretary of State shall add to the amount estimated in accordance with paragraph (1)(a) above the costs and expenses of the Arbitration Body for the period from the making of these Regulations to 31st March 1995 in connection with the carrying out of its functions under these Regulations.

(3) The Secretary of State shall notify the Coal Authority of the amount determined by him in accordance with paragraphs (1) and (2) above and request the Authority to apportion that amount between itself and every other responsible person on the basis of the number of applications for arbitration received by the Arbitration Body during the financial year immediately preceding that to which the determination applies which relate to the area for which they are the responsible person.

(4) The Coal Authority shall notify every responsible person of—

- (a) the total amount notified to it by the Secretary of State in accordance with paragraph (3) above; and
- (b) the amount apportioned by it to that responsible person and the calculation of that amount.

(5) Every responsible person to whom a notification has been given in accordance with paragraph (4) above may, within 21 days of the giving of that notification, make representations to the Coal Authority concerning it.

(6) The Coal Authority, having considered any such representations, shall notify the responsible person of its final determination with respect to the amount to be apportioned to that person.

(7) A responsible person shall forthwith pay to the Coal Authority the amount notified to it in accordance with paragraph (6) above; and, in default of payment, the sum due shall be recoverable by the Coal Authority from that person as a civil debt.

(8) The Coal Authority shall, when so requested by him, pay to the Secretary of State in respect of each financial year the amount determined by the Secretary of State for that year in accordance with paragraphs (1) and (2) above.

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(9) It shall be the duty of the Arbitration Body to provide the Coal Authority with such information as it may reasonably request for the purpose of discharging its obligations under this regulation.