

Changes to legislation: Coal Mining Subsidence Act 1991, SCHEDULE 7 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 7

Section 53(1).

TRANSITIONAL PROVISIONS AND SAVINGS

Commencement Information

II [Sch. 7](#) wholly in force at 30. 11. 1991 see [s. 54\(2\)](#) and [S.I. 1991/2508, art. 2](#)

Remedial action

- 1
- (1) Subject to sub-paragraphs (3) and (4) below, Part II of this Act (remedial action) shall not apply in any case where before the commencement date—
 - (a) a notice has been given in respect of the subsidence damage under section 2 of the 1957 Act; or
 - (b) a claim has been made in respect of that damage under section 2(4) of the 1975 Act.
 - (2) Subject to sub-paragraphs (3) and (4) below, nothing in this Act shall affect—
 - (a) the operation of the 1957 Act in relation to any such case as is mentioned in paragraph (a) of sub-paragraph (1) above; or
 - (b) the operation of section 2(4) of or paragraphs 1 to 4 of Schedule 1 to the 1975 Act in relation to any such case as is mentioned in paragraph (b) of that sub-paragraph.
 - (3) Any notice given under section 2 of the 1957 Act, and any claim made under section 2(4) of the 1975 Act, may be withdrawn at any time before terms of settlement are finally agreed or determined; and where such a notice or claim is so withdrawn, this Act shall apply as if it had not been given or made.
 - (4) Where after the commencement date a stop notice under section 3(2) of the 1957 Act is revoked, this Act shall apply as if the notice given under section 2 of that Act were a damage notice given under section 3 of this Act.
 - (5) In this paragraph references to section 2(4) of and paragraphs 1 to 4 of Schedule 1 to the 1975 Act include respectively references to sub-paragraphs (1) and (3) of paragraph 6 of Schedule 2 to the 1938 Act.

Commencement Information

I2 [Sch. 7 para. 1](#) wholly in force at 30.11.1991 see [s. 54\(2\)](#) and [S.I. 1991/2508, art.2](#)

- 2
- (1) In any case where—
 - (a) immediately before the commencement of the 1975 Act the National Coal Board had a right to withdraw support from any land by virtue of paragraph 5 of Schedule 2 to the 1938 Act; and

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- (b) after that commencement that land has been damaged by the working of coal in the exercise of the right to withdraw support conferred by section 2 of the 1975 Act [^{F1}or section 38 of the Coal Industry Act 1994], any person interested in that land may, subject to sub-paragraph (2) below, claim compensation for the damage in accordance with the terms and conditions relating to compensation which were applicable before that commencement to the right to withdraw support referred to in paragraph (a) above.
- (2) No person shall be entitled both to receive compensation for any damage under sub-paragraph (1) above and to receive compensation for that damage, or have that damage made good, under Part II of this Act.

Textual Amendments

- F1** Words in [Sch. 7 para. 2\(1\)\(b\)](#) inserted (31.10.1994) by [1994 c. 21, s. 67\(1\)](#), [Sch. 9 para. 41\(5\)](#) (with [ss. 40\(7\), 66](#)); [S.I. 1994/2553, art. 2](#)

Commencement Information

- I3** [Sch. 7 para. 2](#) wholly in force at 30.11.1991 see [s. 54\(2\)](#) and [S.I. 1991/2508, art. 2](#)

Additional remedies

- 3 (1) In Part III of this Act—
- (a) Schedule 4 (home loss payments) and Schedule 6 (farm loss payments) shall not apply in any case where the displacement occurred before the commencement date;
- (b) Schedule 5 (relief for temporary dispossession) shall not apply in any case where the period of dispossession began before that date;
- (c) section 27 (crop loss payments) shall not apply as respects any calendar year or part of such a year falling before that date; and
- (d) section 31 (compensation for damage to moveable property) and section 32 (compensation for death or disablement) shall not apply in any case where the damage or injury was caused before that date.
- (2) Nothing in this Act shall affect—
- (a) the operation of Schedule 1 to the 1957 Act (relief for temporary dispossession) in relation to any case where the period of dispossession began before the commencement date; or
- (b) the operation of section 12 of that Act (compensation for death or disablement) in relation to any case where the injury was caused before that date.

Commencement Information

- I4** [Sch. 7 para. 3](#) wholly in force at 30. 11. 1991 see [s. 54\(2\)](#) and [S.I. 1991/2508, art.2](#)

Preventive and other measures

- 4 For the purposes of section 33 of this Act (preventive works for existing buildings, structures or works)—

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- (a) any unreasonable withholding of consent to the execution of preventive works under section 4(1)(a) of the 1957 Act shall have effect as an unreasonable withholding of consent to the execution of such works under paragraph (a) of subsection (2);
- (b) any undertaking given by the Corporation under section 4(1)(b) of that Act shall have effect as an undertaking given under paragraph (b) of that subsection; and
- (c) any requirement imposed by the Corporation under section 4(1)(b) of that Act, or any unreasonable failure to comply with any such requirement, shall have effect as a request made by the Corporation under that paragraph, or an unreasonable failure to comply with such a request.

Commencement Information

I5 Sch. 7 para. 4 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, art. 2

- 5 (1) For the purposes of section 34 of this Act (preventive works for new buildings, structures or works)—
- (a) any request made by the Corporation under paragraph 1(2) of Schedule 1 to the 1975 Act, or any failure to comply with any such request, shall have effect as a corresponding request made by the Corporation under paragraph (b) or (c) of subsection (2), or a failure to comply with such a request; and
 - (b) any proposals made by the Corporation under paragraph 1(3) of that Schedule, or any construction of the foundations of a building, structure or works otherwise than in accordance with any such proposals, shall have effect as proposals made by the Corporation under subsection (3), or the construction of the building, structure or works otherwise than in accordance with such proposals.
- (2) In sub-paragraph (1) above references to sub-paragraphs (2) and (3) of paragraph 1 of Schedule 1 to the 1975 Act include respectively references to paragraphs (a) and (b) of paragraph 6(3) of Schedule 2 to the 1938 Act.

Commencement Information

I6 Sch. 7 para. 5 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, art. 2

- 6 For the purposes of section 36 of this Act (remedial or preventive measures for land drainage systems)—
- (a) any agreement or determination made under section 5(1) of the 1957 Act with respect to any measures shall have effect as a reasonable requirement imposed under subsection (1) with respect to those measures; and
 - (b) any election made under section 5(2) of that Act with respect to any measures shall have effect as an election made under subsection (2) with respect to those measures.

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I7 Sch. 7 para. 6 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, art. 2

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Notices

- 7 Where any underground coal-mining operations proposed to be carried on after the commencement date can be regarded as a continuation of operations carried on before that date, nothing in section 46(1) (notices to property owners etc.) or section 47(1) of this Act (notices to local authorities) shall require the Corporation to give any notice with respect to those operations before the end of the period of one month beginning with that date.

Commencement Information

I8 Sch. 7 para. 7 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, art. 2

Supplemental

- 8 In this Schedule—
- “the 1938 Act” means the ^{M1}Coal Act 1938;
 - “the 1957 Act” means the ^{M2}Coal-Mining (Subsidence) Act 1957;
 - “the 1975 Act” means the ^{M3}Coal Industry Act 1975;
 - “the commencement date” means—
- (a) in relation to any provision of this Act, the date of the coming into force of that provision; and
 - (b) in relation to any provision repealed by this Act, the date of the coming into force of the repeal.

Commencement Information

I9 Sch. 7 para. 8 wholly in force at 30.11.1991 see s. 54(2) and S.I. 1991/2508, art. 2.

Marginal Citations

M1 1938 c. 52.
M2 1957 c. 59.
M3 1975 c. 56.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 19(1A) inserted by [2023 asc 3 Sch. 13 para. 162](#)