



# Coal Mining Subsidence Act 1991

## 1991 CHAPTER 45

### PART III

#### ADDITIONAL REMEDIES

##### *Agricultural losses*

#### 27 Crop loss payments

- (1) Where at any time land constituting or included in an agricultural unit is affected by subsidence damage, this section shall apply as respects the period beginning with that time and ending with the discharge by the Corporation of their remedial obligation with respect to the damage.
- (2) For each year or part of a year falling within that period, the Corporation shall be under an obligation to make to the occupier of the unit a payment of the amount (if any) given by the formula—

$$P = R - S + E$$

where—

P is the amount payable under this subsection;

R is any amount by which the occupier's return from crops sown or planted in that year or part of a year is less than it might reasonably have been expected to have been if the subsidence damage had not occurred;

S is any amount by which his expenses in respect of crops so sown or planted are less than they might reasonably have been expected to have been if the damage had not occurred;

E is the amount of any expenses incurred by him in that year or part of a year in taking reasonable steps to protect crops grown in a greenhouse affected by the damage.

---

*Status: This is the original version (as it was originally enacted).*

---

- (3) For each year or part of a year falling within the period mentioned in subsection (1) above, the Corporation shall be under an obligation to make to the occupier of the unit a payment of the amount (if any) given by the formula—

$$P = R - S$$

where—

P is the amount payable under this subsection;

R is any amount by which the occupier's yield from land used for pasture in that year or part of a year is less than it might reasonably have been expected to have been if the subsidence damage had not occurred;

S is any amount by which his expenses in respect of land used for pasture are less than they might reasonably have been expected to have been if the damage had not occurred.

- (4) There shall be disregarded for the purposes of subsection (2) above—
- (a) any crops which would normally have been harvested before the subsidence damage became evident;
  - (b) any crops which were or would have been sown or planted after an election by the Corporation under section 10 above to make a depreciation payment in respect of the damage; and
  - (c) if all reasonable steps have not been taken to protect them, any crops grown in a greenhouse affected by the damage;
- and there shall be disregarded for the purposes of subsection (3) above any use of land for pasture which was or would have been so used after such an election as is mentioned in paragraph (b) above.
- (5) The Corporation shall not be liable to make a payment under this section except on a claim made by the person entitled to it within the period of twelve months beginning with the end of the year or part of a year to which the payment relates.
- (6) Where a claim is made under subsection (5) above, the Corporation may, by notice given to any person who is entitled to give a damage notice in respect of the subsidence damage, elect to treat that claim as if it were also such a notice given by that person in respect of that damage.
- (7) A payment under this section shall carry interest at the applicable rate (if any) from the end of the period mentioned in subsection (5) above until payment.

- (8) In this section—

“greenhouse” includes any building or structure designed to afford protection from the weather or to secure the retention of heat;

“year” means a calendar year;

and in relation to any agricultural activity carried on on land constituting or included in an agricultural unit, the person having the right to carry it on shall be treated as the occupier of that unit.