

Changes to legislation: Coal Mining Subsidence Act 1991, Paragraph 4 is up to date with all changes known to be in force on or before 28 December 2023. 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 2

RECIPIENTS OF DEPRECIATION PAYMENTS: SPECIAL CASES

Commencement Information

II Sch. 2 para. 1 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, art. 2

Settlements etc.

- 4 (1) Where in the case of property situated in England and Wales the interest in the property of the person to whom, apart from this sub-paragraph, the whole or part of a depreciation payment would fall to be paid is—
- (a) subject to a settlement; or
 - (b) otherwise held in such manner that the person entitled to the interest would not be competent to give an effective discharge for the proceeds of a sale of the interest,
- that payment or that part of that payment shall be paid to the person competent to give such a discharge.
- (2) Where in the case of property situated in Scotland the interest in the property of the person to whom the whole or part of a depreciation payment falls to be paid is subject to—
- (a) a trust within the meaning of the ^{M1}Trusts (Scotland) Act 1921; or
 - (b) [^{F1}an entail or] a life-rent,
- that person shall hold and apply that payment or that part of that payment in like manner as if the interest had been acquired under compulsory powers and the payment or that part of it were the purchase money or compensation for that interest.

Textual Amendments

F1 Words in Sch. 2 para. 4(2)(b) repealed (S.) (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), Sch. 12 para. 54(4)(b), 13 Pt. 1 (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Commencement Information

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

Marginal Citations

M1 1921 c. 58.

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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](#)