

Changes to legislation: Coal Mining Subsidence Act 1991, Paragraph 1 is up to date with all changes known to be in force on or before 15 January 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 3

PROPERTY BELONGING TO PROTECTED TENANTS

Commencement Information

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

Protected tenant treated as liable to make good the damage

- 1 (1) Subject to paragraph 2 below, the protected tenant shall be treated for the purposes of this Part of this Act—
- (a) as a person liable to make good the whole of the damage to the property; or
 - (b) in the circumstances mentioned in sub-paragraph (2) below, as a person liable to meet such part of the cost of making good the whole of that damage as is given by the formula mentioned in sub-paragraph (3) below.
- (2) The circumstances referred to in sub-paragraph (1)(b) above are that, by reason of any other enactment contained in the relevant Act or Acts, compensation in respect of the damaged property would have been payable to the protected tenant of less than the amount provided for by whichever of the following enactments would otherwise have been applicable, namely—
- (a) section 1(1) of the ^{M1}Landlord and Tenant Act 1927;
 - (b) section 66(1) of and paragraph 2(1) of Part I of Schedule 9 to the ^{M2}Agricultural Holdings Act 1986;
 - [^{F1}(bb) section 20 of the Agricultural Tenancies Act 1995;]
 - (c) sections 38 and 49(1) of the ^{M3}Agricultural Holdings (Scotland) Act 1949;
 - (d) so much of section 10 of the ^{M4}Crofters Holdings (Scotland) Act 1886 as precedes the proviso; and
 - (e) section 6(2) of the ^{M5}Crofters (Scotland) Act 1961.
- (3) The formula referred to in sub-paragraph (1)(b) above is—

$$P = \frac{C}{A}$$

where—

P is such part of the cost of making good the whole of the damage to the property as the protected tenant is to be treated as a person liable to meet;

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C is the compensation which would have been payable to the protected tenant by reason of the other enactment contained in the relevant Act or Acts;

A is the amount provided for by whichever of the enactments mentioned in subparagraph (2) above would otherwise have been applicable.

- (4) Any question arising under this paragraph in relation to any property—
- (a) as to whether or not any person is a protected tenant; or
 - (b) as to the amount of any compensation which would have been payable to him under the relevant Act or Acts,
- shall be determined in like manner as if it had arisen under the relevant Act or Acts.

Textual Amendments

F1 [Sch. 3 para. 1\(2\)\(bb\)](#) inserted (1.9.1995) by [1995 c. 8, ss. 40, 41\(2\)](#), [Sch. para. 37](#) (with [s. 37](#))

Commencement Information

I2 [Sch. 3 para. 1](#) wholly in force at 30. 11. 1991 see [s. 54\(2\)](#) and [S.I. 1991/2508](#), [art. 2](#)

Marginal Citations

- M1** [1927 c. 36](#).
- M2** [1986 c. 5](#).
- M3** [1949 c. 75](#).
- M4** [1886 c. 29](#).
- M5** [1961 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](#)