

Changes to legislation: Coal Mining Subsidence Act 1991, Paragraph 5 is up to date with all changes known to be in force on or before 16 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 5

RELIEF FOR TEMPORARY DISPOSSESSION

Commencement Information

II [Sch. 5](#) wholly in force at 30. 11. 1991 see [s. 54\(2\)](#) and [S.I. 1991/2508](#), [art. 2](#)

Alternative living accommodation

- 5 (1) This paragraph applies where, in pursuance of paragraph 2(1)(a) above, the Corporation have made alternative living accommodation available to a resident.
- (2) The Corporation shall be entitled to possession of the accommodation so made available—
- (a) in a case falling within paragraph 3(1)(b) above, at the expiration of the period of six months there mentioned; and
 - (b) without prejudice to any obligations of the Corporation under paragraph 2(1) above or to the provisions of paragraph 4(4) above, at any time not less than one month after the Corporation have given notice to the resident in question of their intention to take possession.
- (3) Where notice is given under sub-paragraph (2)(b) above, the obligations of the Corporation under paragraph 2(1) above shall continue until the expiration of the month mentioned in that sub-paragraph, or such longer period as may be specified in the notice, notwithstanding that the period of dispossession may have expired.
- (4) Subject to sub-paragraphs (6) and (7) below, the Corporation shall be entitled to recover as a civil debt from the resident in question any amount by which the aggregate expenditure incurred by him by way of rent is less than it would have been if the subsidence damage had not occurred and he had continued to reside in the dwelling-house.
- (5) Subject to sub-paragraph (6) below, the Corporation shall be under an obligation to pay to the resident in question—
- (a) any amount by which the aggregate expenditure incurred by him by way of rent is greater than it would have been if the subsidence damage had not occurred and he had continued to reside in the dwelling-house; and
 - (b) any amount by which he shows that the aggregate expenditure reasonably incurred by him by way of food, living accommodation (other than rent), heating, light and other household expenses is greater than it would have been in those circumstances.
- (6) In any case where the Corporation—
- (a) are entitled to recover an amount by virtue of sub-paragraph (4) above; and

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(b) are under an obligation to pay an amount by virtue of sub-paragraph (5)(b) above,

the two amounts shall be set off one against the other and extinguished or reduced accordingly.

(7) The Corporation shall not be entitled to recover any amount under sub-paragraph (4) above in excess of the amount which would have been payable by way of rent for the alternative living accommodation if it had been provided by the local authority.

Commencement Information

II [Sch. 5 para. 5](#) wholly in force at 30.11.1991 see [s. 54\(2\)](#) and [S.I. 1991/2508](#), [art. 2](#)

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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](#)