

Changes to legislation: Coal Mining Subsidence Act 1991, Paragraph 2 is up to date with all changes known to be in force on or before 24 June 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

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

- 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
 - (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

II Sch. 7 para. 2 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](#)