



Coal Mining Subsidence Act 1991

1991 CHAPTER 45

PART I

PRELIMINARY

1 Subsidence damage to which Act applies.

- (1) In this Act “subsidence damage” means any damage—
- to land; or
 - to any buildings, structures or works on, in or over land,
- caused by the withdrawal of support from land in connection with lawful coal-mining operations.
- (2) An alteration of the level or gradient of any land not otherwise damaged which does not affect its fitness for use for the purposes for which, immediately before the alteration occurred, it was used, or might reasonably have been expected to be used, shall not be regarded as damage for the purposes of subsection (1) above.
- [^{F1}(3) In subsection (1) above “lawful coal-mining operations” means any coal-mining operations to which section 25 of the Coal Industry Act 1994 applies (including operations carried on in contravention of subsection (1) of that section and those that are actionable apart from this Act) which—
- are carried on by a person who is for the time being a licensed operator within the meaning of that Act; or
 - are carried on by a person who has been such a licensed operator and in continuation of operations begun by that person before he ceased to be such an operator;
- but for the purposes of this subsection any operations carried on or begun by any person as a person who is for the time being authorised to carry on coal-mining operations on behalf of a person who is or has been a licensed operator shall be treated as carried on or begun by the latter person, whether or not the authorisation extends to the operations in question.]
- (4) References in this Act to subsidence damage shall not apply—

Changes to legislation: There are currently no known outstanding effects for the Coal Mining Subsidence Act 1991, Section 1. (See end of Document for details)

- (a) to damage caused in connection with the working and getting of coal and other minerals—
 - (i) where the working and getting of the coal was ancillary to the working of the other minerals; or
 - (ii) where the coal was worked or gotten by virtue of the grant of a gale in the Forest of Dean or any other part of the Hundred of St. Briavels in the county of Gloucester; or
- (b) to damage occurring underground in a mine of coal (being a mine within the meaning of the ^{M1}Mines and Quarries Act 1954).

Textual Amendments

F1 S. 1(3) substituted (31.10.1994) by 1994 c. 21, s. 42(1) (with ss. 40(7), 66); S.I. 1994/2553, art. 2

Commencement Information

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

Marginal Citations

M1 1954 c. 70.

Changes to legislation:

There are currently no known outstanding effects for the Coal Mining Subsidence Act 1991, Section 1.