



Coal Mining Subsidence Act 1991

1991 CHAPTER 45

PART II

REMEDIAL ACTION

The kinds of remedial action available

10 Discretionary depreciation payments.

- (1) In any case to which this section applies the Corporation may elect to make a payment equal to the amount of the depreciation in the value of the damaged property caused by the damage (“the depreciation amount”) instead of executing any remedial works or making any payment in lieu.
- (2) This section applies to the following cases—
 - (a) where the aggregate amount of the costs specified in the schedule of remedial works exceeds the depreciation amount by at least 20 per cent.;
 - (b) where the property is not a dwelling-house and the Corporation and the person or persons to whom any payment would fall to be made in accordance with this section agree that such a payment should be made;
 - (c) where the property is a dwelling-house and it appears ^{F1} . . . that a notice to treat is likely to be served for the compulsory purchase of the dwelling-house under housing clearance powers in such circumstances that the compulsory purchase will be attributable to the subsidence damage.
- (3) The Secretary of State may by order substitute for the percentage specified in subsection (2)(a) above (whether as originally enacted or as previously amended under this subsection) such other percentage as he thinks fit; and an order under this subsection may provide for different percentages to apply in relation to different descriptions of property.
- (4) An election under this section, and any revocation of such an election, shall be made by a notice given to the claimant and any other person interested.

Changes to legislation: Coal Mining Subsidence Act 1991, Section 10 is up to date with all changes known to be in force on or before 13 February 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

(5) References in this section and section 11 below to the service of a notice to treat are references to—

- (a) the service of such a notice under section 5 of the ^{M1}Compulsory Purchase Act 1965; or
- (b) the service or deemed service of such a notice under section 17 of the ^{M2}Lands Clauses Consolidation (Scotland) Act 1845.

Textual Amendments

F1 Words in s. 10(2)(c) repealed (31.10.1994) by 1994 c. 21, ss. 43, 67(8), Sch. 6 para. 3(1), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

Commencement Information

II S. 10 wholly in force at 30. 11.1991 see s. 54(2) and S.I. 1991/2508, **art. 2**.

Marginal Citations

M1 1965 c. 56.

M2 1845 c. 19.

Changes to legislation:

Coal Mining Subsidence Act 1991, Section 10 is up to date with all changes known to be in force on or before 13 February 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.

[View outstanding changes](#)

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](#)