



Coal Mining Subsidence Act 1991

1991 CHAPTER 45

PART II

REMEDIAL ACTION

The kinds of remedial action available

12 Payments in respect of emergency works.

- (1) The payment required by section 2(4) above in respect of emergency works, that is to say, works urgently and reasonably required—
 - (a) in order that the damaged property may continue to be used for the purposes for which it was used immediately before the damage became evident; or
 - (b) in order to prevent the property being affected by further subsidence damage, is a payment equal to the cost reasonably incurred by any person other than the Corporation in executing those works.
- (2) The Corporation shall not be required to make any payment in respect of any emergency works executed by any other person in connection with any property—
 - (a) unless that person—
 - (i) has given to the Corporation as soon as was reasonably practicable in all the circumstances a notice containing adequate particulars of those works; and
 - (ii) has afforded the Corporation reasonable facilities to inspect the property, so far as he was in a position to do so; or
 - (b) if the emergency works are executed after the Corporation have elected under section 10 above to make a depreciation payment in respect of the damaged property.
- (3) Any payment in respect of emergency works shall be made to the person or persons by whom the cost of executing the works in question is (or is to be) incurred; and, if there are two or more such persons, the payment shall be apportioned between them—
 - (a) in such manner as may be determined by agreement; or

Changes to legislation: *Coal Mining Subsidence Act 1991, Section 12 is up to date with all changes known to be in force on or before 25 September 2023. 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*

- (b) in default of agreement, in shares corresponding to their respective shares in the cost.

Commencement Information

II S. 12 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](#)