



# Coal Mining Subsidence Act 1991

## 1991 CHAPTER 45

### PART II

#### REMEDIAL ACTION

##### *Further damage*

#### **16 Stop notices where further damage is likely.**

- (1) This section applies where at any time—
  - (a) a damage notice has been given to the Corporation in respect of subsidence damage to any property; and
  - (b) it appears <sup>F1</sup> . . . to be probable that further subsidence damage will occur to that property within the period of eighteen months beginning with that time;and it shall be the duty of the Corporation, as soon as reasonably practicable after receiving such a notice, to consider whether [<sup>F2</sup>the condition mentioned in paragraph (b) above is satisfied].
- (2) The Corporation may give to the claimant and any other person interested a notice to the effect that, except for—
  - (a) emergency works; and
  - (b) such other works (if any) as may be specified in the notice (“excepted works”),the Corporation will neither execute any works for making good the damage while the notice remains in force nor make any payments in respect of such works executed while the notice remains in force.
- (3) It shall be the duty of the Corporation to specify in such a notice such works (if any) as are required in order to render the damaged property reasonably fit to be used for the purposes for which it was used immediately before the damage became evident, not being—
  - (a) emergency works; or
  - (b) works the execution of which is not reasonably practicable in all the circumstances of the case.

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*Changes to legislation: There are currently no known outstanding effects for the Coal Mining Subsidence Act 1991, Section 16. (See end of Document for details)*

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- (4) References in this Act, in relation to any damage, to a stop notice are references to a notice under this section relating to the damage.
- (5) Except in such circumstances as may be prescribed, where the Corporation give a stop notice to any person with respect to any damage—
- (a) the Corporation’s remedial obligation to that person in respect of the damage shall be subject to the terms of that notice;
  - (b) any notice affecting the required remedial action in respect of the damage given by the Corporation before the stop notice is given shall cease to have effect, except in so far as it relates to excepted works;
  - (c) any schedule of remedial works relating to the damage sent to that person before the stop notice is given shall not take effect or (as the case may be) shall cease to have effect, except in so far as it relates to excepted works and related costs;
  - (d) any period during which the stop notice is in force shall be disregarded in reckoning the period mentioned in subsection (4) of section 9 above (claim for obligatory payments in lieu), except for the purposes of the application of that section in relation to any excepted works;
  - (e) so long as the stop notice is in force the Corporation shall not be required to give any notice of proposed remedial action in respect of the damage or to send to that person any schedule of remedial works, except so far as any such notice or schedule is required for the purposes of excepted works; and
  - (f) in the case excepted from paragraph (e) above, the provisions of this Part shall apply as if—
    - (i) the Corporation’s remedial obligation in respect of the damage were limited to such part of the damage as can be remedied or alleviated by the excepted works; and
    - (ii) references to such works as are necessary in order to make good the damage to that person’s reasonable satisfaction were references to the excepted works.
- (6) A stop notice given to any person with respect to any damage shall not have effect unless it is given within the period of three months beginning with the relevant time, or such longer period beginning with that time as may be agreed between the Corporation and that person.
- (7) In subsection (6) above “the relevant time” means—
- (a) the time when it first appears <sup>F1</sup> . . . to be probable that further subsidence damage will occur to the property within the next succeeding period of eighteen months; or
  - (b) any later time when it first appears <sup>F3</sup> . . . that any such damage will be substantially more serious than appeared to them at that earlier time.
- (8) The Secretary of State may by order substitute for the period specified in subsection (6) above (whether as originally enacted or as previously amended under this subsection) such other period as he thinks fit.

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#### **Textual Amendments**

**F1** Words in s. 16(1)(b)(7)(a) 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**

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**Changes to legislation:** There are currently no known outstanding effects for the Coal Mining Subsidence Act 1991, Section 16. (See end of Document for details)

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- F2** Words in s. 16(1) substituted (31.10.1994) by 1994 c. 21, s. 43, **Sch. 6 para. 3(2)(a)** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- F3** Words in s. 16(7)(b) repealed (31.10.1994) by 1994 c. 21, ss. 43, 67(8), Sch. 6 para. 3(2)(b), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

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**Commencement Information**

- I1** S. 16 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Coal Mining Subsidence Act 1991, Section 16.