



Coal Mining Subsidence Act 1991

1991 CHAPTER 45

PART II

REMEDIAL ACTION

Further damage

18 Effect of further damage.

- (1) This section applies where—
 - (a) a damage notice has been given to the Corporation in respect of subsidence damage to any property (“the original damage”); and
 - (b) further subsidence damage to that property becomes evident in the circumstances mentioned in subsection (2) below.
- (2) The circumstances referred to in subsection (1)(b) above are that—
 - (a) the further damage becomes evident before the completion of remedial works or, in a case falling within section 8(4) above, before all sums in respect of which the Corporation are liable to make payments have been expended; and
 - (b) at the time when it becomes evident, the Corporation have neither elected under section 10 above, nor become liable under section 11(1) above, to make a depreciation payment in respect of the damaged property.
- (3) In any case to which this section applies the original damage and the further damage shall be treated as one (“the combined damage”) and, subject to subsection (5) below—
 - (a) a fresh damage notice shall be required if, and only if, before the further damage becomes evident, the Corporation have elected under section 8 above to make a payment in lieu under that section instead of executing any remedial works;
 - (b) any notice affecting the required remedial action in respect of the original damage given before the further damage becomes evident shall cease to have effect and this Part shall apply as if that notice had not been given;

Changes to legislation: *Coal Mining Subsidence Act 1991, Section 18 is up to date with all changes known to be in force on or before 15 March 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*

- (c) where a fresh damage notice is not required, a fresh notice of proposed remedial action relating to the combined damage shall be given by the Corporation to the claimant and any other person interested as soon as reasonably practicable after the further damage becomes evident;
 - (d) any schedule of remedial works relating to the original damage sent to the claimant or any other person interested before the further damage becomes evident shall not take effect or (as the case may be) shall cease to have effect;
 - (e) where a fresh schedule of remedial works relating to the combined damage satisfies the requirements of subsection (4) below—
 - (i) subsections (3) and (4) of section 6 above shall not apply; and
 - (ii) subsection (5)(a) of that section shall have effect as if for subparagraphs (i) and (ii) there were substituted a reference to the date on which the schedule is sent to the claimant or any other person interested;
 - (f) any stop notice given to any person with respect to the original damage shall have effect in relation to the combined damage as if there were specified in it as excepted works such works (if any) as may be specified in a notice given to that person by the Corporation; and
 - (g) the references to remedial works in section 8(8) and (10) above shall not include any remedial works begun before the further damage becomes evident.
- (4) A fresh schedule of remedial works relating to the combined damage satisfies the requirements of this subsection if the aggregate amount of the costs specified in that schedule does not exceed, by more than 20 per cent., the aggregate amount of the costs specified in any schedule of remedial works to which subsection (3)(d) above applies.
- (5) It shall be the duty of the Corporation to specify in a notice under subsection (3)(f) above 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 original 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.
- (6) In any case to which this section applies it may be agreed between the Corporation, the claimant and any other person interested—
- (a) that paragraphs (a) to (e) of subsection (3) above shall not apply; and
 - (b) that any such notice or schedule as is mentioned in paragraph (b) or (d) of that subsection shall have effect in relation to the combined damage with such modifications as may be so agreed.
- (7) This section is without prejudice to any liability of the Corporation in respect of the cost of any works executed before the further damage becomes evident.
- (8) The Secretary of State may by order substitute for the percentage specified in subsection (4) above (whether as originally enacted or as previously amended under this subsection) such other percentage as he thinks fit.

Commencement Information

II S. 18 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](#)