



# Coal Mining Subsidence Act 1991

## 1991 CHAPTER 45

### PART II

#### REMEDIAL ACTION

##### *Special cases*

#### **20 Ecclesiastical property etc.**

- (1) In the case of subsidence damage to any ecclesiastical property—
- the [<sup>F1</sup>Church Commissioners][<sup>F1</sup>Diocesan Board of Finance for the diocese in which the land is situated] shall be entitled, in addition to any other person who is so entitled, to give a damage notice; and
  - where any other such person is the claimant, the [<sup>F1</sup>Commissioners][<sup>F1</sup>Diocesan Board of Finance for the diocese in which the land is situated] shall be treated as another person interested whether or not [<sup>F2</sup>they give][<sup>F2</sup>it gives] such a notice.
- (2) Any payment under section 10 or 11 above in respect of ecclesiastical property which would, apart from this subsection, fall to be made to the owner of the property—
- shall be made to the [<sup>F1</sup>Church Commissioners][<sup>F1</sup>Diocesan Board of Finance for the diocese in which the land is situated]; and
  - shall be applied by [<sup>F3</sup>them][<sup>F3</sup>it] for the purposes for which the proceeds of a sale of the property by agreement would be applicable under any enactment or Measure authorising, or disposing of the proceeds of, such a sale.
- (3) Where, in relation to any property other than ecclesiastical property—
- any payment under section 10 or 11 above would, apart from this subsection, fall to be made to a person whose interest in the property is held for religious purposes; and
  - a request for payment is made to the Corporation by or on behalf of the representative body,
- the payment shall be made to that body.

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**Changes to legislation:** *Coal Mining Subsidence Act 1991, Section 20 is up to date with all changes known to be in force on or before 17 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*

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(4) In this section—

“ecclesiastical property” means property in England belonging to any ecclesiastical benefice<sup>F4</sup> of the Church of England], or being or forming part of a church subject to the jurisdiction of a bishop of any diocese<sup>F4</sup> of the Church of England] or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction;

“the representative body”, in relation to property of any description held for religious purposes, means the body of persons (if any) which, in relation to that property or property of that description, has been notified to the Corporation by the Secretary of State, after consultation with such persons and organisations as he may think appropriate.

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#### Textual Amendments

- F1** Words in s. 20 substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 29\(1\)\(a\)](#); 2006 No. 2, Instrument made by Archbishops
- F2** Words in s. 20(1)(b) substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 29\(1\)\(b\)](#); 2006 No. 2, Instrument made by Archbishops
- F3** Word in s. 20(2)(b) substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 29\(1\)\(c\)](#); 2006 No. 2, Instrument made by Archbishops
- F4** Words in s. 20(4) inserted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 29\(1\)\(d\)](#); 2006 No. 2, Instrument made by Archbishops
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#### Commencement Information

- I1** S. 20 wholly in force at 30. 11. 1991 see s. 54(2) and [S.I. 1991/2508, art.2](#)

**Changes to legislation:**

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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](#)