



# Coal Mining Subsidence Act 1991

## 1991 CHAPTER 45

### PART II

#### REMEDIAL ACTION

##### *Special cases*

#### **21 Property belonging to protected tenants**

- (1) Where property belonging to a protected tenant is affected by subsidence damage, Schedule 3 to this Act (which provides for the protected tenant to be treated, in certain circumstances, as a person liable to make good the damage in whole or in part) shall apply if, apart from the provisions of that Schedule, neither the protected tenant nor any other person would be liable to make good the damage in whole or in part.
- (2) For the purposes of this section and Schedule 3 to this Act, property affected by subsidence damage belongs to a protected tenant if he would have been entitled under any enactment contained in the relevant Act or Acts to remove the property, or to be paid compensation in respect of it by his landlord, if his tenancy had terminated immediately before the damage occurred.
- (3) In this section and Schedule 3 to this Act “protected tenant” means a person who is—
  - (a) a tenant for the purposes of Part I of the Landlord and Tenant Act 1927, the Agricultural Holdings Act 1986 or the Agricultural Holdings (Scotland) Act 1949;
  - (b) a landholder for the purposes of the Small Landholders (Scotland) Acts 1886 to 1931; or
  - (c) a crofter for the purposes of the Crofters (Scotland) Act 1955;and references, in relation to a protected tenant, to the relevant Act or Acts shall be construed accordingly.