



Coal Mining Subsidence Act 1991

1991 CHAPTER 45

PART III

ADDITIONAL REMEDIES

Agricultural losses

28 Payments for tenant farmers

- (1) Where the Corporation make a depreciation payment to the owner of any agricultural land which is subject to a tenancy, they shall also make to the tenant a payment of the amount given by the formula—

$$P = (C + S) \times \frac{D}{V}$$

where—

P is the amount payable under this subsection;

C is the compensation which, on the assumptions mentioned in subsection (3) below, would have been payable to the tenant for the value of his unexpired term or interest in the land;

S is the sum which, on those assumptions, would have been payable to the tenant under section 12 of the Agriculture (Miscellaneous Provisions) Act 1968 (additional payments on compulsory acquisition of agricultural holdings);

D is the amount of the depreciation payment made to the owner of the land;

V is what would have been the value of the land at the relevant time if it had not been affected by the subsidence damage.

- (2) Where the Corporation make a payment under subsection (1) above to a tenant who has been displaced from the whole or a sufficient part of the land affected by the subsidence damage, they shall also make to him a payment equal to the compensation which—

- (a) on the assumptions mentioned in subsection (3) below; and

Status: This is the original version (as it was originally enacted).

- (b) on the further assumption that the displacement had been caused by the compulsory acquisition mentioned in paragraph (a) of that subsection, would have been payable to him for any loss or injury sustained by him.
- (3) The assumptions referred to in subsections (1) and (2) above are—
- (a) that the land had been compulsorily acquired at the relevant time;
 - (b) that the tenant had no greater interest in the land than as tenant for a year or from year to year; and
 - (c) that the land had not been affected by the subsidence damage.
- (4) Paragraph 2 of Schedule 1 to this Act shall apply for the purpose of determining the value mentioned in subsection (1) above as it applies for the purpose of determining the value of a unit of property at any time for the purposes of section 10 or 11 above; and paragraph 4 of that Schedule (interest on depreciation payments) shall apply in relation to any payment under this section as if—
- (a) the payment were a depreciation payment; and
 - (b) the relevant time in relation to the payment were the time immediately after the making of the claim.
- (5) In this section—
- “the relevant time” means the relevant time for the purposes of paragraph 3 of Schedule 1 to this Act;
 - “sufficient part” means not less than 0.5 hectares or such area as the Secretary of State may by order specify;
- and any reference to compensation is a reference to compensation under section 20 of the Compulsory Purchase Act 1965 or section 114 of the Lands Clauses Consolidation (Scotland) Act 1845 (compensation to be made to tenants for a year etc.).