



Coal Mining Subsidence Act 1991

1991 CHAPTER 45

PART III

ADDITIONAL REMEDIES

Miscellaneous

30 Compensation for consequential losses of small firms.

- (1) Where at any time any property—
- (a) which is used wholly or partly for the purposes of a small firm; and
 - (b) as respects which one or more notices have been or should have been given^{F1} . . . under section 46(1) below,

is affected by subsidence damage, this section shall apply as respects the period beginning with that time and ending with the discharge by the Corporation of their remedial obligation with respect to the damage.

- (2) For each year or part of a year—
- (a) which falls within that period; and
 - (b) in which any consequential loss resulting from the damage is suffered by the firm,

the Corporation shall be under an obligation to make to the firm a payment of such amount as would have been payable to the firm by way of damages in respect of that loss if the damage had been attributable to the negligence of the Corporation; and in determining the amount (if any) of such a payment regard shall be had to the rules of law relating to remoteness and the mitigation of losses.

- (3) The Corporation shall not be liable to make a payment under this section unless, as soon as reasonably practicable after the first time—
- (a) when the firm suffers any consequential loss resulting from the damage; or
 - (b) if later, when the firm has such knowledge as is mentioned in subsection (4) (read with subsection (5)) of section 3 above,

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the firm gives notice of the loss to the Corporation.

- (4) Where a notice is given under subsection (3) above, the Corporation may, by notice given to any person who is entitled to give a damage notice in respect of the subsidence damage, elect to treat the notice under that subsection as if it were also a damage notice given by that person in respect of that damage.
- (5) The Corporation shall not be liable to make a payment under this section except on a claim made by the firm within the period of twelve months beginning with the end of the year or part of a year to which the payment relates.
- (6) A payment under this section shall carry interest at the applicable rate (if any) [^{F2}from the date of the claim on which the payment is made] until payment [^{F3}but any period of delay in determining the amount of any such payment which is attributable to unreasonable conduct on the part of that firm shall be disregarded for the purposes of this subsection.].
- (7) In this section—
“associated employer” shall be construed in accordance with [^{F4}section 231 of the Employment Rights Act 1996];
“consequential loss” does not include—
(a) any loss for which provision is made by section 27(2) or (3) above; or
(b) any loss resulting from subsidence damage as respects which the Corporation’s remedial obligation is excluded by section 33(3) ^{F5}. . . below;
“employee” has the [^{F6}same meaning as in the Employment Act 1996];
“small firm” means any person who, at the time when the property is affected by subsidence damage, is carrying on a business and satisfies the requirements of subsection (8) below;
“year” means a calendar year.
- (8) A person satisfies the requirements of this subsection at any time if, at that time, the number of employees employed by him, added to the number of employees employed by any associated employer of his, does not exceed 20.
- (9) The Secretary of State may by order substitute for the number of employees specified in subsection (8) above (whether as originally enacted or as previously amended under this subsection) such other number of employees as he thinks fit.

Textual Amendments

- F1** S. 30(1)(b) repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- F2** Words in s. 30(6) substituted (31.10.1994) by 1994 c. 21, s. 67(1), **Sch. 9 para. 41(2)(a)** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- F3** Words in s. 30(6) inserted (31.10.1994) by 1994 c. 21, s. 67(1), **Sch. 9 para. 41(2)(b)** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- F4** Words in s. 30(7) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 49(a)** (with ss. 191-195, 202)
- F5** Words in the definition of
“consequential loss”
in s. 30(7) repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

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F6 Words in s. 30(7) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 49(b)** (with ss. 191-195, 202)

Commencement Information

I1 S. 30 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](#)