



Coal Mining Subsidence Act 1991

1991 CHAPTER 45

PART III

ADDITIONAL REMEDIES

Miscellaneous

31 Compensation for damage to moveable property

- (1) Where damage is caused to any moveable property by the happening of subsidence damage, the Corporation shall be liable to pay to any person having an interest in the property such amount by way of compensation as would have been payable to that person by way of damages if—
 - (a) the damage to the moveable property had been attributable to the negligence of the Corporation; and
 - (b) subject to subsection (2) below, liability for any consequential loss resulting from the damage were excluded.
- (2) Subsection (1)(b) above shall not apply to a claim made by a small firm where—
 - (a) the moveable property was used wholly or partly for the purposes of the firm; and
 - (b) the property affected by subsidence damage was property as respects which one or more notices had been or should have been given by the Corporation under section 46(1) below;and in determining the amount (if any) of so much of a payment as is payable by virtue of this subsection regard shall be had to the rules of law relating to remoteness and the mitigation of losses.
- (3) The Corporation shall not be liable under this section to pay compensation to any person in respect of damage to any moveable property where—
 - (a) at the time when it was damaged, the property was on any land in circumstances such that its presence constituted a trespass to that land or, in Scotland, was on any land without lawful authority; or

Status: This is the original version (as it was originally enacted).

(b) the damage was wholly attributable to the fault of that person or any person in lawful possession of the property;

and if the damage was partly attributable to the fault of that person or any person in lawful possession of the property, the liability of the Corporation shall be reduced proportionately.

(4) In this section—

“fault” includes any act or omission which would, if the damage to the moveable property had been caused by the negligence of the Corporation, have constituted fault for the purposes of the Law Reform (Contributory Negligence) Act 1945;

“moveable property” means—

(a) in relation to England and Wales, any chattel personal other than a thing in action or money;

(b) in relation to Scotland, any corporeal moveable other than money;

“small firm” has the meaning which would be given by section (30)(7) above if the reference to the time when the property is affected by subsidence damage were a reference to the time when damage is caused to the moveable property.