



Coal Mining Subsidence Act 1991

1991 CHAPTER 45

PART III

ADDITIONAL REMEDIES

Miscellaneous

32 Compensation for death or disablement.

- (1) This section applies where—
 - (a) as the result of an injury caused by the happening of subsidence damage, any person dies or is disabled (whether permanently or temporarily); and
 - (b) apart from this section, no action to recover damages is maintainable in respect of the death or disablement.
- (2) Subject to subsection (4) below, the Corporation shall be liable, in the case of a death, to pay the like damages, recoverable in the like manner and within the like time, as would have been payable if—
 - (a) the death had been attributable to the negligence of the Corporation; and
 - (b) the persons by or on behalf of whom an action could have been brought against the Corporation for damages in respect of the death if it had been so attributable included any person who at the time of the death was, or but for the injury would have been, wholly or partly maintained by the deceased; and
 - (c) the damages were claimed under the ^{M1}Fatal Accidents Act 1976 where the death resulted from an injury caused in England or Wales, or the ^{M2}[^{F1}Damages (Scotland) Act 2011] where the death resulted from an injury caused in Scotland.
- (3) Subject to subsection (4) below, the Corporation shall be liable, in a case of disablement, to pay the like damages, recoverable in the like manner and within the like time, as would have been payable if the disablement had been attributable to the negligence of the Corporation.

Changes to legislation: There are currently no known outstanding effects for the Coal Mining Subsidence Act 1991, Section 32. (See end of Document for details)

- (4) No liability shall attach to the Corporation under subsection (2) or (3) above in respect of the death or disablement of any person as a result of an injury if—
- (a) at the time when that person incurred the injury he was on any land as a trespasser or, in Scotland, without lawful authority; or
 - (b) the injury was wholly attributable to the fault of that person;
- and if the injury was partly attributable to the fault of that person the liability of the Corporation under that subsection shall be reduced proportionately.
- (5) In this section “fault” includes any act or omission which would, if the death or disablement had been caused by the negligence of the Corporation, have constituted fault for the purposes of the ^{M3}Law Reform (Contributory Negligence) Act 1945.

Textual Amendments

- F1** Words in s. 32(2)(c) substituted (S.) (7.7.2011) by [Damages \(Scotland\) Act 2011 \(asp 7\)](#), s. 19(3), [Sch. 1 para. 5](#) (with ss. 17, 19(2)); [S.S.I. 2011/268](#), art. 3 (with art. 4)
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Commencement Information

- I1** S. 32 wholly in force at 30. 11. 1991 see s. 54(2) and [S.I. 1991/2508](#), [art. 2](#)
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Marginal Citations

- M1** 1976 c. 30.
M2 1976 c. 13.
M3 1945 c. 28.

Changes to legislation:

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