



Coal Mining Subsidence Act 1991

1991 CHAPTER 45

PART V

SUPPLEMENTAL

Disputes and complaints

43 Determination of disputes by arbitration

- (1) The Secretary of State may give directions to the Corporation—
 - (a) requiring them, before a date specified in the directions, to make and submit for his approval a scheme making arbitration available for the determination of any dispute arising under this Act which is of a description so specified; and
 - (b) imposing requirements with respect to the terms on which arbitration is to be made available under the scheme.
- (2) Such directions may also require a scheme to include—
 - (a) provision for the appointment of a person independent of the Corporation to be responsible for ensuring the proper operation of the scheme and for the provision of advice about the scheme to persons who may wish to have a dispute determined under it;
 - (b) provision for the making of reports about the operation of the scheme, or the furnishing of information, to any person; and
 - (c) such other provision as the Secretary of State considers necessary or expedient.
- (3) Where a scheme is submitted to the Secretary of State in pursuance of such directions—
 - (a) the scheme may be approved by him with or without modifications; and
 - (b) approval may be given for the scheme for a period specified in the approval; and the Secretary of State may at any time withdraw approval for a scheme which is approved under this subsection.

Status: This is the original version (as it was originally enacted).

- (4) While it is in force, a scheme approved under subsection (3) above—
- (a) shall have effect, in relation to any dispute to which it relates, as a binding offer of arbitration by the Corporation on the terms specified in the scheme; and
 - (b) shall be treated, in relation to any dispute referred to arbitration under it, as an arbitration agreement.
- (5) If the Corporation fail to comply with any directions under subsection (1) above, the Secretary of State may himself make such a scheme as is mentioned in that subsection; and a scheme so made shall have effect as if it were an approved scheme made by the Corporation.