



# Coal Mining Subsidence Act 1991

## 1991 CHAPTER 45

### PART II

#### REMEDIAL ACTION

##### *General*

#### **6 Schedule of remedial works**

- (1) At the same time as the Corporation give a notice of proposed remedial action with respect to any damage, other than a notice stating that the only kind of action available for meeting their remedial obligation is the making of a payment under section 9 or 11 below, they shall send to the claimant and any other person interested ("the other parties") a schedule of remedial works which meets the requirements of this section.
- (2) A schedule of remedial works shall specify—
  - (a) the works which the Corporation consider to be remedial works in relation to the damage, that is to say, such works (including works of redecoration) as are necessary in order to make good the damage, so far as it is reasonably practicable to do so, to the reasonable satisfaction of the claimant and any other person interested; and
  - (b) in the case of each item of those works, the amount of the cost which the Corporation consider it would be reasonable for any person to incur in order to secure that the work is executed.
- (3) The Corporation shall send with a schedule of remedial works a notice stating that, if any other party does not agree that the remedial action to be taken by the Corporation in respect of any damage should be determined by reference (where relevant) to the works and costs specified in the schedule, he should notify the Corporation within the period of 28 days beginning with the date of his receipt of the schedule.
- (4) If any other party gives such a notification within that period and he and the Corporation do not agree the schedule, with or without modifications, before the end

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*Status: This is the original version (as it was originally enacted).*

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of the next succeeding period of 28 days, the matter may be referred to the Lands Tribunal, which may determine the works and costs to be specified in the schedule.

- (5) A schedule of remedial works relating to any damage—
- (a) comes into effect—
    - (i) if no other party gives such a notification to the Corporation within the period mentioned in subsection (3) above, at the end of that period; and
    - (ii) in any other case, on the date on which the schedule is agreed or determined under subsection (4) above; and
  - (b) may at any time be varied by agreement between the parties or in any manner determined under subsection (6) below.
- (6) Where—
- (a) any party by a notice given to the other party or parties requests a variation of a schedule of remedial works; and
  - (b) the variation requested is not agreed between both or all parties, with or without modifications, before the end of the period of 28 days beginning with the date of the notice,
- the matter may be referred to the Lands Tribunal, which may determine whether the schedule shall have effect subject to the variation.
- (7) On and after the date on which a schedule of remedial works relating to any damage first comes into effect the works specified in the schedule (and only those works) shall be regarded as remedial works in relation to the damage.
- (8) References in this Act, in relation to any subsidence damage, to the schedule of remedial works are references to the schedule of remedial works under this section relating to the damage, as that schedule has effect for the time being.