

SCHEDULES

SCHEDULE 10

TRANSITIONAL PROVISIONS AND SAVINGS

Subsidence

- 13 (1) Without prejudice to section 1(2) of the 1991 Act, the repeal by this Act of subsection (7) of section 34 of that Act (restriction of remedial obligation in relation to buildings etc. of which no notice was given) shall remove the restriction imposed by that subsection in relation to any remedial obligation which first arose before the restructuring date except where before that date either—
- (a) that obligation was discharged; or
 - (b) terms of settlement in respect of any claim relating to that obligation were finally agreed or determined.
- (2) Without prejudice to section 37(4) of the 1991 Act (saving for agreements), the provisions of this Act and of that Act relating to any person who is the responsible person in relation to any subsidence damage, or who would be the responsible person if any such damage occurred, shall not affect any rights or obligations in connection with that damage which arise—
- (a) under or in pursuance of a restructuring scheme,
 - (b) under or in pursuance of the conditions of any licence under Part II of this Act, or
 - (c) apart from this Act,
- as between different persons who are or have at any time been licensed operators, or as between the Authority and any one or more such persons.
- (3) Without prejudice to any power conferred by section 13 of the Interpretation Act 1978 (anticipatory exercise of powers), subordinate legislation which—
- (a) is made before the restructuring date under any power contained in the 1991 Act and after any such consultation as may be required for any exercise of that power before that date, and
 - (b) is made so as not to come into force until on or after that date,
- may contain any such provision as may be contained in any subordinate legislation made on or after that date in exercise of that power as amended by this Act.