



Coal-Mining (Subsidence) Act 1957

1957 CHAPTER 59

12 Payments in respect of death or disablement in certain cases

- (1) If as the result of an injury caused after the passing of this Act by the happening of subsidence damage any person dies or is seriously and permanently disabled, and apart from this section no action to recover damages is maintainable in respect of the death or disablement, then, subject to the next following subsection, the Board shall be liable—
 - (a) 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—
 - (i) the death had been attributable to the negligence of the Board ; and
 - (ii) the persons by or on behalf of whom an action could have been brought against the Board 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
 - (iii) where the death resulted from an injury caused in England or Wales, the damages were claimed under the Fatal Accidents Acts, 1846 to 1908 ;
 - (b) in a case of disablement, to pay the like damages, recoverable in the like manner and within the like time, as if the disablement had been attributable to the negligence of the Board.
- (2) No liability shall attach to the Board under the foregoing subsection 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 a trespasser; or
 - (b) the injury was incurred underground in a mine of coal within the meaning of the Mines and Quarries Act, 1954; or
 - (c) the injury was wholly attributable to the negligence of that person;and if the injury was partly attributable to the negligence of that person the liability of the Board under the foregoing subsection shall be reduced proportionately.
- (3) For the purposes of this section a person shall be treated as seriously and permanently disabled if, and only if, he is suffering from loss of physical or mental faculty which is

Status: This is the original version (as it was originally enacted).

likely to be permanent and is such that the resulting disablement assessed, by reference to the disabilities incurred by that person as a result of that loss of faculty, in such manner as may be prescribed is not less than twenty per cent.; and any question arising under this section in any particular case shall be determined by a court having jurisdiction to hear and determine proceedings for the recovery of damages in that case.