
STATUTORY INSTRUMENTS

1994 No. 2564

COAL INDUSTRY

**The Coal Mining Subsidence (Blight and Compensation
for Inconvenience During Works) Regulations 1994**

<i>Made</i>	- - - -	<i>3rd October 1994</i>
<i>Laid before Parliament</i>		<i>6th October 1994</i>
<i>Coming into force</i>	- -	<i>31st October 1994</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 25, 29 and 50 of the Coal Mining Subsidence Act 1991⁽¹⁾ and paragraph 13(3) of Schedule 10 to the Coal Industry Act 1994⁽²⁾, and of all other powers enabling him in that behalf, and after such consultation as is required by sections 25 and 29 of the said Act of 1991, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Coal Mining Subsidence (Blight and Compensation for Inconvenience During Works) Regulations 1994 and shall come into force on 31st October 1994.

BLIGHT

Interpretation

2.—(1) In regulations 3 and 4, unless the context otherwise requires—

“the responsible person” means, in relation to a dwelling-house—

- (a) where the dwelling-house has been affected by subsidence damage, the person who, by virtue of sections 43 and 44 of the Coal Industry Act 1994, is the responsible person in relation to that damage;
- (b) where there is a reasonable probability of subsidence damage as mentioned in paragraph (2)(b) below, the person who would be the person referred to in subparagraph (a) above in relation to that damage if it did occur;

“unblighted value” means, in relation to an interest in a dwelling-house, the price for which that interest could reasonably be expected to be sold if the dwelling-house was not affected, or

(1) 1991 c. 45. Sections 25 and 29 have effect as modified by section 43 of, and paragraphs 5 and 6 of Schedule 6 to, the Coal Industry Act 1994.
(2) 1994 c. 21.

there was no reasonable probability that it would be affected, by subsidence damage to which a stop notice as mentioned in paragraph (2) below applies or would apply.

- (2) A dwelling-house is blighted for the purposes of regulations 3 and 4 if—
- (a) it has been affected by subsidence damage and either a stop notice in respect of that damage is in force or there is a reasonable probability that such a notice will be given; or
 - (b) there is a reasonable probability that the dwelling-house will be affected by subsidence damage within nine months and that a stop notice will be given in respect of that damage.

Entitlement to require purchase of blighted dwelling-house

3.—(1) Where a dwelling-house is blighted and the circumstances specified in paragraph (2) below apply, the owner of the dwelling-house shall be entitled to require the responsible person to purchase his interest in it in accordance with regulation 4.

- (2) The circumstances referred to in paragraph (1) above are that—
- (a) the owner of the dwelling-house has made reasonable endeavours to sell his interest in it;
 - (b) because the dwelling-house is blighted, the owner has been unable to sell his interest in it except at a price which is substantially lower than that for which it might reasonably have been expected to be sold if it was not blighted; and
 - (c) the principal reason for the proposed sale is a change in the owner’s personal or family circumstances such as would be likely to cause any reasonable owner to decide to sell the owner’s interest in the dwelling-house.

Obligation to purchase

4. Where the owner of a blighted dwelling-house is entitled in accordance with regulation 3 to require the responsible person to purchase his interest in it, the responsible person shall, on the owner making to him a written request in that behalf, forthwith proceed to purchase the owner’s interest in the dwelling-house at its unblighted value at the date the request was made.

COMPENSATION FOR INCONVENIENCE DURING WORKS

Interpretation

5. In regulations 6 and 7 “the responsible person” means, in relation to subsidence damage to a dwelling-house, the person who, by virtue of sections 43 and 44 of the Coal Industry Act 1994, is the responsible person in relation to that damage.

Entitlement to compensation

6.—(1) Subject to paragraphs (2) and (3) below, a person shall be entitled to claim compensation in accordance with regulation 7 if—

- (a) he is the owner of, or any other person liable to make good in whole or in part the damage to, a dwelling-house which has been affected by subsidence damage;
- (b) a schedule of remedial works has come into effect in relation to that damage and the remedial works specified in that schedule have been, or are being, carried out by or on behalf of the responsible person;
- (c) the total cost of the remedial works specified in the schedule of remedial works at the time the person makes a claim under regulation 7 exceeds £3,000;
- (d) the remedial works were not, or have not been, completed within 6 months from the date of their commencement; and

(e) the person has resided in the dwelling-house for a total period of 6 months during the time from the commencement of the remedial works.

(2) There shall not be counted in the determination of any period of 6 months for the purposes of paragraph (1)(d) or (e) of this regulation or paragraph (2) of regulation 7 any period during which the carrying out of remedial works has ceased—

- (a) at the request of the owner of, or any other person interested in, the dwelling-house;
- (b) on account of any conduct on the part of any person residing in the dwelling-house; or
- (c) in accordance with a stop notice.

(3) Where a person has made a claim for compensation in accordance with regulation 7, there shall not be counted for the purpose of determining the period of residence in the dwelling-house in question of any other person for the purpose of paragraph (1)(e) of this regulation any period before the completion of the remedial works to which the claim of the first person referred to above relates during which the other person resides in the dwelling-house.

Payment of compensation

7.—(1) The responsible person shall pay to any person entitled to compensation in accordance with these Regulations, on that person making a claim in accordance with paragraph (2) below—

- (a) a sum equivalent to 10 per cent. of the total cost of the remedial works specified in the schedule of remedial works at the time those works are completed; and
- (b) interest on the sum specified in sub-paragraph (a) above at the applicable rate(a) for the period commencing on the date on which the person claimed compensation under these Regulations and expiring on the date on which he received it.

(2) A claim for compensation in accordance with these Regulations shall be made to the responsible person in writing after the expiry of 6 months from the date of commencement of the remedial works.

Department of Trade and Industry
3rd October 1994

Tim Eggar
Minister for Industry and Energy,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable the owners of dwellings blighted by coal mining subsidence damage or the possibility of such damage to require the person responsible for remedying that damage to purchase the dwelling at its unblighted market value.

The Regulations also make provision for the payment of compensation to subsidence claimants who continue to reside in a dwelling affected by subsidence damage while repairs of a duration exceeding six months are being carried out. The compensation is set at 10 per cent. of the total cost of the repairs and is payable where the total cost of repairs exceeds £3,000. Provision is made for the payment of interest which by virtue of the Coal Mining Subsidence (Preventive Measures and Rates of Interest) Order 1991 (S.I. [1991/2510](#)) is payable at the rate for the time being prescribed under section 32 of the Land Compensation Act 1961 or, in relation to Scotland, section 40 of the Land Compensation (Scotland) Act 1963.