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STATUTORY INSTRUMENTS

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**1994 No. 2565**

**COAL INDUSTRY**

**The Coal Mining Subsidence (Provision  
of Information) 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>

he Secretary of State, in exercise of the powers conferred on him by sections 46(5) and 50 of the Coal Mining Subsidence Act 1991(1) and by section 45(1) and (3) of, and paragraph 13(3) of Schedule 10 to, the Coal Industry Act 1994(2), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Coal Mining Subsidence (Provision of Information) Regulations 1994 and shall come into force on 31st October 1994.

(2) In these Regulations—

“the 1991 Act” means the Coal Mining Subsidence Act 1991;

“the 1994 Act” means the Coal Industry Act 1994;

“address” means in the case of a body corporate the address of its registered or principal office, and, in the case of any other person, the address of his usual place of business; and

“person with responsibility” means, in relation to any land, the person who would be the responsible person in relation to any subsidence damage to that land if such damage were to result from any underground coal-mining operations.

**NOTICES OF PROPOSED UNDERGROUND COAL MINING**

**Information to accompany notices**

2.—(1) Every notice given to the owners or occupiers of any land in accordance with section 46(1) (a) or section 46(4) of the 1991 Act shall be accompanied by the following information—

(a) the full name and address of the person with responsibility giving the notice;

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(1) 1991 c. 45. Section 46 is amended by sections 43 and 45(4) of, and paragraph 8 of Schedule 6 to, the Coal Industry Act 1994.  
(2) 1994 c. 21.

- (b) subject to paragraph (2) below—
    - (i) the place or places of business at which that person may be contacted during normal business hours; and
    - (ii) any telephone or facsimile transmission number for communicating with him at every such place; and
  - (c) a copy of the document known as “Coal Mining Subsidence Damage—a Guide to Claimants' Rights” as for the time being issued by the Secretary of State.
- (2) Where an employee or agent of the person with responsibility is appointed to represent him in his dealings with the owner or occupier in relation to subsidence damage to the land—
- (a) the information to be furnished in accordance with regulation 2(1) shall include the name of that employee or agent; and
  - (b) sub-paragraph (b) of that regulation shall have effect with the substitution for references to the person with responsibility of references to that employee or agent.

#### **Time for giving section 46 notices**

- 3.—(1) This regulation applies when, on a person other than the British Coal Corporation becoming a person with responsibility in relation to any land—
- (a) a notice has been given to any owner or occupier of the land under section 46(1) or section 46(4) of the 1991 Act less than 12 months before the happening of that event; and
  - (b) since the giving of that notice no notice has fallen to be given under section 46(3) of the 1991 Act.
- (2) In the circumstances described in paragraph (1) above the person with responsibility shall, within the period of 3 months commencing with the date of his becoming that person, give to the owners or occupiers of the land—
- (i) any notice falling to be given under section 46(3) of the 1991 Act; or
  - (ii) if no such notice falls to be given, notice under section 46(4) of that Act.

### **SUBSIDENCE INFORMATION**

#### **Obligation to furnish information to owner or occupier**

- 4.—(1) Subject to paragraph (2) below, where a request is made of a person with responsibility which satisfies the requirements of paragraph (3) below, that person shall furnish in writing to the person by whom the request is made the information described in regulation 5(1) and (2) together with a copy of the document described in regulation 5(3), within the period of 14 days beginning with the date on which the request is received by the person of whom it is made.
- (2) Paragraph (1) above shall not apply to a request if, not more than 30 days before it was made, a request which satisfies the requirements of paragraph (3) below was made by or on behalf of the same person to the same person with responsibility who responded to it in accordance with paragraph (1) above.
- (3) A request satisfies the requirements of this paragraph (whether it is made orally or in writing) if it—
- (a) is a request for information relating to, or to the possibility of, subsidence damage;
  - (b) is accompanied by the provision of the address of the person making the request;
  - (c) is made by, or on behalf of, a person appearing to be the owner or occupier of any land; and

- (d) is made of a person with responsibility for subsidence affecting the whole or any part of the land appearing to be owned or occupied by the person by, or on whose behalf, the request is made.

#### **Information to be furnished**

- 5.—(1) Subject to paragraph (2) below, the information referred to in regulation 4(1) is—
- (a) the full name and address of the person with responsibility referred to in regulation 4(3)(d);
  - (b) the place or places of business at which that person may be contacted during normal business hours; and
  - (c) any telephone or facsimile transmission number for communicating with that person at every such place.
- (2) Where an employee or agent of the person with responsibility is appointed to represent him in his dealings with the enquirer in relation to subsidence damage—
- (a) the information to be furnished in accordance with regulation 4(1) shall include the name of that employee or agent; and
  - (b) sub-paragraphs (b) and (c) of paragraph (1) above shall have effect with the substitution for the references to the person with responsibility of references to that employee or agent.
- (3) The document referred to in regulation 4(1) is the document known as “Coal Mining Subsidence Damage—a Guide to Claimants' Rights” as for the time being issued by the Secretary of State.

#### **Obligation to furnish information to the Authority**

- 6.—(1) Where a request is made of a person with responsibility which satisfies the requirements of paragraph (2) below, that person shall, within the period of 14 days beginning with the date on which he received the request—
- (a) notify the Coal Authority of the request;
  - (b) furnish the Authority in writing with the information described in regulation 7 and with the documents described in that regulation; and
  - (c) notify the person making the request that the Authority has been informed of it.
- (2) A request satisfies the requirements of this paragraph (whether it is made orally or in writing) if it complies with sub-paragraphs (a) and (b) of regulation 4(3) but does not comply with sub-paragraph (d) of that regulation.

#### **Information to be furnished to the Authority**

7. The information and documents referred to in regulation 6(1)(b) are—
- (a) the name and address of the person making the request as supplied by that person;
  - (b) details of any telephone or facsimile transmission number supplied by the person making the request;
  - (c) details of the request including whether it was expressed to relate to actual subsidence damage, the possibility of such damage or otherwise; and
  - (d) such documents as the person making the request has furnished to the person of whom the request is made, including copies of any correspondence furnished by him.

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

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Department of Trade and Industry  
3rd October 1994

*Tim Eggar*  
Minister for Industry and Energy,

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations concern the provision of information relating to proposed underground coal mining and to claims in connection with coal mining subsidence damage.

As regards underground coal mining operations, the Regulations supplement the obligations under section 46 of the Coal Mining Subsidence Act 1991 for persons who are responsible for subsidence damage to give notice of the risk of any such damage from underground mining to owners or occupiers whose land might be affected. The Regulations require that certain information accompany such notices. They also provide for the issuing of a fresh notice within three months of any change in the identity of the person responsible for subsidence damage, including cases where the British Coal Corporation ceases to be, or the Coal Authority becomes, that person.

The Regulations also require persons with responsibility for subsidence damage to provide certain information and documents on request to the owners or occupiers of land falling within the area for which they are responsible. In addition, they oblige persons with responsibility to inform the Coal Authority of requests relating to subsidence damage which are made by other persons, and to inform such other persons that their request has been referred to the Coal Authority.