

Changes to legislation: Coal Mining Subsidence Act 1991, Paragraph 1 is up to date with all changes known to be in force on or before 16 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

HOME LOSS PAYMENTS

Commencement Information

II Sch. 4 wholly in force at 30.11.1991 see s. 54(2) and S.I. 1991/2508, art.2

Right to home loss payment

- 1 (1) Subject to the provisions of this Schedule, any person who is displaced from the dwelling-house shall be entitled to receive a payment (a “home loss payment”) from the Corporation.
- (2) A person shall not be entitled to a home loss payment unless the following conditions have been satisfied throughout the period of one year ending with the date of displacement—
- (a) he has been in occupation of the dwelling-house, or a substantial part of it, as his only or main residence; and
 - (b) he has been in such occupation by virtue of an interest or right to which this section applies,
- but, if those conditions are satisfied on the date of displacement, a payment (a “discretionary payment”) may be made to him of an amount not exceeding the amount to which he would have been entitled if he had satisfied those conditions throughout that period.
- (3) A person shall not be entitled to a home loss payment so long as any application made by him under paragraph 3(3) of Schedule 5 to this Act (challenge to the validity of a notice given by the Corporation under paragraph 3(1)(b) of that Schedule) has been neither determined nor withdrawn.
- (4) This paragraph applies to the following interests and rights, namely—
- (a) any interest in the dwelling-house;
 - (b) a right to occupy the dwelling-house as a statutory tenant within the meaning of the ^{M1}Rent Act 1977 or under a restricted contract within the meaning of that Act or a contract which would be such a contract if the contract or dwelling-house were not excluded by section 19(4) or (5)(b) of that Act;
 - (c) a right to occupy the dwelling-house as a statutory tenant within the meaning of the ^{M2}Rent (Scotland) Act 1984 or under a contract to which Part VII of that Act (contracts) applies or would apply if the contract or dwelling-house were not excluded by section 63(3)(a) or by an order under section 64 of that Act;

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- (d) a right to occupy the dwelling-house under a licence to which Part IV of the ^{M3}Housing Act 1985 (secure tenancies) [^{F1}or Chapter 1 of Part V of the Housing Act 1996 (introductory tenancies)] applies;
- (e) a right to occupy the dwelling-house under a contract of employment [^{F2}];
- [^{F3}(f) in the case of a dwelling-house in Wales, a right to occupy the dwelling-house under a licence which is a secure contract or under an introductory standard contract.]
- (5) Where an interest in a dwelling-house is vested in trustees (other than a sole tenant for life within the meaning of the ^{M4}Settled Land Act 1925) and a person beneficially entitled (whether directly or derivatively) under the trust is entitled or permitted by reason of his interest to occupy the dwelling-house, he shall be treated for the purposes of this paragraph as occupying it by virtue of an interest in the dwelling-house.
- (6) In the application of sub-paragraph (5) above to Scotland, the words “(other than a sole tenant for life within the meaning of the Settled Land Act 1925)” shall be omitted.
- [^{F4}(7) In this paragraph the following terms have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1)—
- “introductory standard contract” (see section 16 of that Act);
- “secure contract” (see section 8 of that Act).]

Textual Amendments

- F1** Words in Sch. 4 para. 1(4)(d) inserted (12.2.1997) by S.I. 1997/74, art. 2, **Sch.**
- F2** Semicolon in Sch. 4 para. 1(4) substituted (E.W.) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **19(2)(a)(i)**
- F3** Sch. 4 para. 1(4)(f) inserted (E.W.) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **19(2)(a)(ii)**
- F4** Sch. 4 para. 1(7) inserted (E.W.) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **19(2)(b)**

Commencement Information

- I1** Sch. 4 para. 1 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, **art. 2**

Marginal Citations

- M1** 1977 c. 42.
- M2** 1984 c. 58.
- M3** 1985 c. 68.
- M4** 1925 c. 18.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 19(1A) inserted by [2023 asc 3 Sch. 13 para. 162](#)