



Coal Mining Subsidence Act 1991

1991 CHAPTER 45

PART V

SUPPLEMENTAL

General

52 Interpretation etc.

^{F1}(1) In this Act, unless the context otherwise requires—

“agriculture”, “agricultural” and “agricultural land”—

- (a) in relation to England and Wales, have the meanings given by section 109 of the ^{M1}Agriculture Act 1947;
 - (b) in relation to Scotland, have the meanings given by section 86 of the ^{M2}Agriculture (Scotland) Act 1948;
- “agricultural unit”—

- (a) in relation to England and Wales, has the meaning given by section 171(1) of the ^{M3}Town and Country Planning Act 1990;
- (b) in relation to Scotland, has the meaning given by section 196(1) of the ^{M4}Town and Country Planning (Scotland) Act 1972;

[^{F2}“the appropriate tribunal” means—

- (a) in relation to England and Wales, the Upper Tribunal;
- (b) in relation to Scotland, the Lands Tribunal for Scotland;]

“claim” means a claim in writing;

“the claimant” and “any other person interested” have the meanings given by section 3(6) above;

“coal” has the same meaning as in Part I of the ^{M5}Coal Act 1938;

“the Corporation” means the British Coal Corporation;

“damage notice” has the meaning given by section 3(2) above;

“depreciation payments” has the meaning given by section 2(5)(b) above;

“dwelling-house”—

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- (a) in relation to England and Wales, means any building or part of a building used wholly or partly as a private dwelling, together with any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with that building or part;
- (b) in relation to Scotland, means a house including any part of a building, being a part which is occupied or intended to be occupied as a separate dwelling, and including, in particular, any flat, together with any yard, garden, outhouses and pertinents belonging to and usually enjoyed with the house;
- “emergency works” has the meaning given by section 12(1) above;
- “ground lease” means a lease for building purposes at a rent (or, where the rent varies, at a maximum rent) which does not substantially exceed the rent which a tenant might reasonably have been expected, at the date when the lease was granted, to pay for the land comprised in the lease, excluding any buildings, for a term equal to the term created by the lease;
- “housing clearance powers” means Part IX of the ^{M6}Housing Act 1985 (slum clearance) or Part VI of the ^{M7}Housing (Scotland) Act 1987 (closing and demolition orders);
- ^{F3}
...
- “notice” means notice in writing and “notify” shall be construed accordingly;
- “notice of proposed remedial action” has the meaning given by section 4(4) above;
- “owner”—
- (a) in relation to any real property in England and Wales, means the lessee under the ground lease if it is held on such a lease, and the owner of the fee simple if it is not;
- (b) [^{F4}in the case of any heritable property in Scotland, means the proprietor of the *dominium utile* if the property is feudal property, and the owner of the property if it is not;]
- “payments in lieu” has the meaning given by section 2(5)(a) above;
- “prescribed” means prescribed by regulations made by the Secretary of State;
- “remedial obligation” has the meaning given by section 2(3) above;
- “remedial works” has the meaning given by subsection (2) of section 6 above (subject to subsection (7) of that section);
- “request” means a request in writing;
- “schedule of remedial works” has the meaning given by section 6(8) above;
- “statutory undertakers” means—
- (a) any persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power; and
- (b) any of the following, namely, any licence holder within the meaning of the ^{M8}Electricity Act 1989, any public gas supplier, any water or sewerage [^{F5}undertaker, the Environment Agency, the Natural Resources Body for Wales, any electronic] communications code operator, any former PTO, [^{F6}any universal service provider in connection with the provision of a universal postal service], the Civil Aviation Authority [^{F7}, any person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the

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extent that the person is carrying out activities authorised by the licence)] and any relevant airport operator within the meaning of Part V of the ^{M9}Airports Act 1986;

“stop notice” has the meaning given by section 16(4) above;

“structure” includes any works providing passage or hard standing for persons, animals or vehicles (including railway or tramway vehicles and aircraft);

“subsidence damage” has the meaning given by section 1 above;

[^{F8}“universal service provider” has the same meaning as in the [^{F9}Part 3 of the Postal Services Act 2011]; and any reference to the provision of a universal postal service shall be construed in accordance with [^{F10}that Part];]

“works” includes sewers, drains, pipes, cables, wires and any other apparatus.

- (2) References in this Act, in relation to any damage, to a notice affecting the required remedial action in respect of the damage are references to—
- (a) any notice of proposed remedial action with respect to that damage; and
 - (b) any notice with respect to a decision by the Corporation to make or revoke an election to take in respect of that damage any remedial action other than that indicated in any such notice as is mentioned in paragraph (a) above.
- (3) References in this Act, in relation to any interest payable by the Corporation, to the applicable rate are references to such rate as may from time to time be prescribed by order made by the Secretary of State; and an order under this subsection—
- (a) may apply different rates in relation to different periods;
 - (b) may include provision for a nil rate to apply in relation to any period; and
 - (c) may fix any rate by specifying it or by applying any rate for the time being applicable for any other purpose (whether statutory or otherwise).

Textual Amendments

- F1** Words in s. 52(1) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 109](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Schs. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))
- F2** Words in s. 52 inserted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 219](#) (with [Sch. 5](#))
- F3** Words in s. 52 omitted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 219](#) (with [Sch. 5](#))
- F4** Words in s. 52(1) repealed (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [Sch. 12 para. 54\(2\)](#), [13 Pt. 1](#) (with ss. 58, 62, 75); [S.S.I. 2003/456](#), art. 2
- F5** Words in s. 52(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 221](#) (with [Sch. 7](#))
- F6** S. 52(1): Words in para. (b) of the definition of “statutory undertakers” substituted (26.3.2001) by [S.I. 2001/1149](#), [art. 3\(1\)](#), [Sch. 1 para. 87\(2\)](#)
- F7** S. 52(1): Words in paragraph (b) of the definition of “statutory undertakers” inserted (1.4.2001) by [2000 c. 38](#), s. 37, [Sch. 5 para. 19](#) (with s. 106); [S.I. 2001/869](#), [art. 2](#)
- F8** Definition in s. 52(1) inserted (26.3.2001) by [S.I. 2001/1149](#), [art. 3\(1\)](#), [Sch. 1 para. 87\(3\)](#)
- F9** Words in s. 52(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 135\(a\)](#); [S.I. 2011/2329](#), [art. 3](#)

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F10 Words in s. 52(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 135(b)**; S.I. 2011/2329, art. 3

Modifications etc. (not altering text)

C1 S. 52(1) amended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(2)(i)**; S.I. 1996/218, art. 2

C2 S. 52(1) applied (31.10.1994) by 1994 c. 21, s. 45(3) (with ss. 40(7), 66); S.I. 1994/2552, art. 2, **Sch. 1**

Commencement Information

I1 S. 52 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, art. 2

Marginal Citations

M1 1947 c. 48.

M2 1948 c. 45.

M3 1990 c. 8.

M4 1972 c. 52.

M5 1938 c. 52.

M6 1985 c. 68.

M7 1987 c. 26.

M8 1989 c. 29.

M9 1986 c. 31.

Changes to legislation:

There are currently no known outstanding effects for the Coal Mining Subsidence Act 1991, Section 52.