



Coal Mining Subsidence Act 1991

1991 CHAPTER 45

PART II

REMEDIAL ACTION

The kinds of remedial action available

9 Obligatory payments in lieu.

- (1) In any case to which this section applies the Corporation shall meet their remedial obligation in respect of any damage by making a payment under this section.
- (2) This section applies to the following cases—
 - (a) where the damaged property is—
 - (i) in England and Wales, a highway maintainable at the public expense; or
 - (ii) in Scotland, a public road (within the meaning of the ^{M1}Roads (Scotland) Act 1984);
 - (b) where the execution of remedial works falls within a duty with respect to the damaged property which, in connection with the maintenance of public services, is imposed by virtue of any enactment on—
 - (i) a government department;
 - (ii) a local authority; or
 - (iii) statutory undertakers;
 - (c) where it is certified by the Secretary of State, on an application made to him by any other person or of his own motion, that in his opinion it is not in the public interest that the Corporation should themselves execute the remedial works.
- (3) Subject to subsection (4) below, the payment required under this section in respect of any damage is a payment equal to the cost reasonably incurred by any person in executing remedial works.

Changes to legislation: Coal Mining Subsidence Act 1991, Section 9 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](#)

- (4) Where remedial works are executed after the end of the period of three years beginning with the date of the claimant's damage notice, the amount of any payment under subsection (3) above shall not exceed the cost which might reasonably have been expected to have been incurred in executing those works if they had been executed immediately before the end of that period.

Commencement Information

II S. 9 wholly in force at 30. 11. 1991 see s. 54(2) and S.I. 1991/2508, **art. 2**

Marginal Citations

M1 1984 c. 54.

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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](#)