

Status: Point in time view as at 19/09/1994. This version of this schedule contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1994, SCHEDULE 6. (See end of Document for details)

SCHEDULES

VALID FROM 31/10/1994

SCHEDULE 6

Section 43.

FURTHER MODIFICATIONS OF THE 1991 ACT

- 1 (1) Where—
- (a) a damage notice is received by a person with responsibility for subsidence affecting any land, and
 - (b) that person is neither the Authority nor the person who is or would be the responsible person in relation to the damage with respect to which the notice is given,
- the person who has received the notice shall, as soon as reasonably practicable after receiving it, forward the notice to the Authority.
- (2) Where—
- (a) a damage notice is received by the Authority (whether as a result of being forwarded under sub-paragraph (1) above or otherwise), and
 - (b) the Authority is not itself the person who is or would be the responsible person in relation to the damage with respect to which the notice is given,
- the Authority shall, as soon as reasonably practicable after receiving it, forward the notice to the person appearing to the Authority to be the person who is or would be the responsible person in relation to that damage.
- (3) The person to whom a notice is forwarded under this paragraph shall be deemed for the purposes of the 1991 Act—
- (a) to have been given that notice by the person whose notice it is; and
 - (b) to have received the notice within the period allowed by section 3 of the 1991 Act if it was or is deemed to have been so received by the person who forwarded it.
- (4) In this paragraph “damage notice” has the same meaning as in the 1991 Act.
- 2 Section 8(9) of the 1991 Act (grounds for refusing request for purposes connected with the execution of works by another) shall have effect in relation to times on and after the restructuring date with the substitution for the reference to a remedial obligation of the Corporation in respect of any one or more neighbouring properties of a reference to the remedial obligation, in respect of any one or more such properties, of the responsible person or of any other person with responsibility for subsidence affecting land.
- 3 (1) In relation to times on or after the restructuring date, sections 10(2)(c), 16(1)(b) and (7)(a), 17(1)(a) and 33(1) of the 1991 Act (which make provision where certain matters appear to the Corporation) shall have effect, in each case, with the omission of the words “to the Corporation”.

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- (2) Accordingly, section 16 of that Act shall have effect in relation to such times—
- (a) with the substitution, in subsection (1), for “it appears to them as mentioned in paragraph (b) above” of “ the condition mentioned in paragraph (b) above is satisfied ”; and
 - (b) with the omission, in subsection (7)(b), of the words “to them”, wherever occurring.
- 4 The reference in section 15 of the 1991 Act (recipients of depreciation payments) to another person who is liable to make good any damage shall not, in relation to any responsible person, include any person who is liable to make good that damage by virtue only of being jointly and severally liable with the responsible person in accordance with section 44(1) of this Act.
- 5 In relation to any regulations made on or after the restructuring date sections 25(1) and 29(1) of the 1991 Act shall each have effect with the substitution for the first reference to the Corporation (consultation as to regulations) of a reference to such persons with responsibility for subsidence affecting land as it appears to the Secretary of State to be appropriate to consult.
- 6 Section 43(1) of this Act shall require the second reference to the Corporation in section 29(1) of the 1991 Act and the references to the Corporation in sections 33(2) to (6) and 36 of that Act to be construed, in relation to subsidence damage of which there is a possibility or which appears likely to occur or might occur, as references to the person who would be the responsible person in relation to that damage if it did occur.
- 7 On and after the restructuring date sections 37, 38, 40 to 42 and 44(1) of the 1991 Act (which make general provision with respect to claims) shall have effect with the substitution for references to the Corporation, or to any of its licensees, of references to any person with responsibility for subsidence affecting any land.
- 8 On and after the restructuring date sections 46 and 47 of the 1991 Act (which require the giving of notice of certain operations) shall have effect in relation to any underground coal-mining operations as a result of which any land may be affected by subsidence—
- (a) with the substitution for references to the Corporation of references to the person who would be the responsible person in relation to any subsidence damage to that land if such damage were to result from the operations; and
 - (b) as if anything done by the Corporation under that section before the restructuring date had been done by that person.
- 9 The provisions of section 44 of this Act, so far as they relate to obligations, liabilities or rights of responsible persons, shall also apply as respects obligations, liabilities or rights by virtue of paragraph 6 or 8 above of persons who would be responsible persons if subsidence damage occurred; and, for that purpose, references in that section to subsidence damage shall be construed accordingly.
- 10 On and after the restructuring date, section 49 of the 1991 Act (which makes provision with respect to the making of reports by the Corporation) shall have effect with the substitution for references to the Corporation of references to the Authority; and, accordingly, any requirement imposed by that section on the Corporation shall have effect on and after that date as if imposed on the Authority.

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| 11 | Paragraph 1(1) of Schedule 2 to the 1991 Act (payment of depreciation where Corporation satisfied that the relevant interest was subject to a mortgage) shall have effect in relation to payments falling to be made on or after the restructuring date with the omission of the words “the Corporation are satisfied that”. |
| 12 | Section 43(1) of this Act shall not apply to the references to the Corporation in Schedule 7 to that Act (transitional provisions) so far as they have effect in relation to times before the restructuring date. |

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