



# Coal industry Act 1994

## 1994 CHAPTER 21

### PART III

#### RIGHTS AND OBLIGATIONS IN CONNECTION WITH COAL MINING

##### *Subsidence*

#### **46 The subsidence adviser**

- (1) The Secretary of State may by regulations make such provision as he considers necessary or expedient—
  - (a) for the appointment of an independent person (“the subsidence adviser”) to carry out, in prescribed cases, the functions specified in subsection (2) below; and
  - (b) for regulating and facilitating the carrying out of those functions by the subsidence adviser.
- (2) The functions referred to in subsection (1) above are—
  - (a) the provision of advice and assistance to persons (other than those with responsibility for subsidence affecting land) in connection with the making of complaints, or the taking of any other steps, in relation to any matter arising under the 1991 Act or any question falling within section 47(1) below;
  - (b) the making to persons with responsibility for subsidence affecting land of recommendations as to the manner in which they conduct themselves where such a matter has arisen or any such question falls to be determined;
  - (c) the making of reports dealing generally with the way in which persons with responsibility for subsidence affecting land conduct themselves where such matters arise or such questions fall to be determined; and
  - (d) the making of reports about the carrying out by the subsidence adviser of his functions, whether in particular cases or generally.
- (3) Without prejudice to the generality of subsection (1) above, regulations under this section may contain provision which, in prescribed cases, requires—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the publication by the subsidence adviser of his recommendations and reports; and
  - (b) the giving, to persons concerned with any matter being handled by the subsidence adviser, of opportunities for making representations and objections.
- (4) It shall be the duty of the Authority to furnish the subsidence adviser with all such information and assistance as he may reasonably require in respect of any case in which the Authority is the person with responsibility for subsidence affecting the land in question.
- (5) The Secretary of State may by regulations make provision for—
- (a) expenses incurred by the subsidence adviser in the carrying out of his functions, and
  - (b) the expense of making payments to or in respect of him by way of remuneration or otherwise,
- to be met, in whole or in part, by some or all of the persons with responsibility for subsidence affecting land or in such other manner as may be prescribed.
- (6) The provision that may be contained in regulations under this section shall include—
- (a) provision for any matter to which the regulations relate to be determined by the Authority in such manner, and by reference to such factors, as may be described in the regulations; and
  - (b) provision, where any expenses are to be met by the Authority in accordance with the regulations, for amounts in respect of those expenses to be recoverable by the Authority from other persons with responsibility for subsidence affecting land.
- (7) In this section “prescribed” means prescribed by regulations under this section; and section 50 of the 1991 Act (regulations and orders) shall apply in relation to the powers to make regulations under this section as it applies in relation to any power of the Secretary of State to make regulations under that Act.
- (8) The supplementary, incidental and transitional provision that may be contained, by virtue of subsection (7) above, in regulations under this section may include transitional provision in relation to matters arising under the 1991 Act at times before the restructuring date.