



# Coal industry Act 1994

## 1994 CHAPTER 21

### PART III

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

##### *Subsidence*

#### **48 Offences with respect to subsidence information**

- (1) A person shall be guilty of an offence under this section if he engages in any conduct falling within subsection (2) below for the purpose of—
  - (a) obtaining for himself or any other person any benefit under the 1991 Act; or
  - (b) facilitating the temporary or permanent avoidance, by himself or any other person, of the whole or any part of—
    - (i) any obligation under that Act;
    - (ii) any other requirement mentioned in section 47(9)(a) to (c) above; or
    - (iii) any liability for contravention of any such obligation or requirement.
- (2) A person engages in conduct falling within this subsection if he—
  - (a) furnishes any other person whatever with any information which he knows to be false in a material particular;
  - (b) recklessly furnishes any other person whatever with any information which is false in a material particular; or
  - (c) with intent to deceive, withholds any information from any person whatever.
- (3) A person who is or has been a licensed operator shall be guilty of an offence under this section if he—
  - (a) furnishes the Authority with any subsidence information which he knows to be false in a material particular;
  - (b) recklessly furnishes the Authority with any subsidence information which is false in a material particular; or

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*Status: This is the original version (as it was originally enacted).*

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- (c) with intent to deceive, withholds any subsidence information from the Authority.
- (4) In subsection (3) above “subsidence information”, in relation to a person who is or has been a licensed operator, means information relating to the extent of the existing or potential liabilities of that person in respect of subsidence damage.
- (5) Any person who fails to give, in accordance with section 46 or 47 of the 1991 Act (notice to property owners etc. and local authorities), any notice that he is required to give under that section shall be guilty of an offence under this section.
- (6) In any proceedings against a person for an offence by virtue of subsection (5) above it shall be a defence for that person to show that he took such steps as were reasonable to avoid the commission of the offence.
- (7) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.