
STATUTORY INSTRUMENTS

1992 No. 798 (S.82)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Coal Mining Subsidence Act 1991) 1992

Made - - - - - *5th March 1992*

Coming into force - - - - - *30th March 1992*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 32 of the Sheriff Courts (Scotland) Act 1971⁽¹⁾ and of all other powers enabling them in that behalf, having approved with modifications draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of the Sheriff Courts (Scotland) Act 1971 do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Coal Mining Subsidence Act 1991) 1992 and shall come into force on 30th March 1992.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

(3) In this Act of Sederunt—

“the Act” means Coal Mining Subsidence Act 1991⁽²⁾;

“agreement or consent” means the agreement or consent referred to in section 41 of the Act;

“person” means a person referred to in section 41 of the Act;

“Corporation” has the meaning given in section 52 of the Act.

Applications under section 41

2.—(1) An application under section 41 of the Act (disputes about withholding of agreement or consent) shall be made by summary application.

(2) A summary application under sub-paragraph (1) above shall specify—

(a) the person with whom the Corporation has reached agreement and from whom it has obtained consent;

(b) the steps which have been taken to obtain the agreement or consent of the person who is withholding such agreement or consent.

(1) 1971 c. 58; section 32 contains amendments not relevant to this instrument.

(2) 1991 c. 45.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) Such a summary application, where it is made in relation to the exercise of a power under section 5(3) or (5) of the Act, shall, when lodged with the sheriff clerk, be accompanied by the notice of proposed remedial action under section 4(2) of the Act.

Applications under section 42

3. An application under section 42 of the Act (disputes about access etc. to premises) shall be made by summary application.

Edinburgh,
5th March 1992

J.A.D. Hope
Lord President, I.P.D.

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EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

Sections 41 and 42 of the Coal Mining Subsidence Act 1991 provide for disputes about the withholding of agreement or consent and about access to premises to be resolved by application to the sheriff. This Act of Sederunt provides that such an application is to be made by way of summary application.