1957 No. 1407

The Coal-Mining (Subsidence) (Further Damage) Regulations, 1957

Made - - - -	1*st August*, 1957
Laid before Parliament	2*nd August*, 1957
Coming into Operation	3*rd August*, 1957

The Minister of Power in exercise of the powers conferred upon him by subsection (2) of section three of the Coal-Mining (Subsidence) Act, 1957(a), and of all other powers him enabling, hereby makes the following regulations:—

1. These regulations shall come into operation on the third day of August, nineteen hundred and fifty-seven, and may be cited as the Coal-Mining (Subsidence) (Further Damage) Regulations, 1957.

2.—(1) In these regulations the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"the Act" means the Coal-Mining (Subsidence) Act, 1957;

"the Board" means the National Coal Board;

"emergency works" has the meaning assigned to it by subsection (5) of section one of the Act;

"remedial works" has the meaning assigned to it by subsection (2) of section one of the Act;

"subsidence damage" has the meaning assigned to it by subsection (1) of section one of the Act.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. In any case where subsidence damage has occurred to any property and—

(*a*) the damaged property is a highway maintainable or repairable by the inhabitants at large, or a highway in Scotland managed and maintained by the Secretary of State or by a county or town council; or

(*b*) the execution of remedial works falls within a duty with respect to the damaged property imposed by virtue of any enactment on a government department, local authority or statutory undertakers in connection with the maintenance of public services; or

(*c*) the damaged property is a pipe or wire necessary for the provision of telephone services; and

(*d*) the execution of remedial works is urgently and reasonably required in order that such property may continue to be used for the purposes for which at the date immediately before the damage occurred it was so used,

the obligations of the Board under sections one and two of the Act shall not be subject to the terms of any notice given by them under subsection (2)

(a) 5 & 6 Eliz. 2. c. 59. (b) 52 & 53 Vict. c. 63.

of section three of the Act in cases where it appears to the Board likely that further subsidence damage will occur to such property :

Provided that the execution of such remedial works shall not be deemed to have been so required in any case if, or to the extent that, the execution of emergency works would have enabled the damaged property to continue to be used for its respective purpose.

Dated this first day of August, nineteen hundred and fifty-seven.

Mills,
Minister of Power.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations prescribe the cases in which the National Coal Board's obligations under the Act cannot be suspended or limited by the service of a notice by the Board under s. 3 (2) of the Act (i.e. where further damage seems likely to occur and it would, therefore, in the Board's opinion be unreasonable for permanent remedial works to be done for the time being).

The cases prescribed are those in which highways or other public services are damaged and it is necessary immediately to carry out certain permanent remedial works in order to maintain them in use.

1957 No. 1404

The Coal-Mining (Subsidence) (Notice of Uninhabitability) Regulations, 1957

Made - - - -	1*st August*, 1957
Laid before Parliament	2*nd August*, 1957
Coming into Operation	3*rd August*, 1957

The Minister of Power in exercise of the powers conferred upon him by subsection (6) of section one of, and the First Schedule to, the Coal-Mining (Subsidence) Act, 1957(a), and of all other powers him enabling, hereby makes the following regulations :—

1. These regulations shall come into operation on the third day of August, nineteen hundred and fifty-seven, and may be cited as the Coal-Mining (Subsidence) (Notice of Uninhabitability) Regulations, 1957.

2.—(1) In these regulations the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" the Act " means the Coal-Mining (Subsidence) Act, 1957 ;

" the Board " means the National Coal Board ;

(a) 5 & 6 Eliz. 2. c. 59.