EXPLANATORY NOTE

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

These regulations prescribe the manner in which questions with respect to subsidence damage affecting land drainage arising between the National Coal Board and the appropriate drainage authority under s. 5 of the Coal-Mining (Subsidence) Act, 1957, are to be determined in default of agreement.

In general disputes are to be referred to arbitration ; but provision is made, if either party so requests, for certain questions to be determined by the Ministers of Power and of Agriculture, Fisheries and Food acting jointly, and for the procedure to be adopted in such cases.

The regulations also prescribe the procedure to be followed after measures in relation to such damage have been agreed, determined or varied.

1958 No. 1307

The Coal-Mining (Subsidence) (Valuation) Regulations, 1958

Made - - - -	*6th August,* 1958
Laid before Parliament	*12th August,* 1958
Coming into Operation	*13th August,* 1958

The Minister of Power in exercise of the powers conferred upon him by subsection (7) of section one of, and paragraph 2 of the Second 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 thirteenth day of August, nineteen hundred and fifty-eight, and may be cited as the Coal-Mining (Subsidence) (Valuation) Regulations, 1958.

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 ;

" equivalent replacement " means, in relation to a unit of property, the provision of a unit of property of such size, character and situation as to be reasonably capable of serving as effectively as the first mentioned unit the purpose for which that unit was normally used ;

" fee simple " in relation to property situated in Scotland means, in the case of feudal property, the estate or interest of the proprietor of the dominium utile, or, in the case of property other than feudal property, the estate or interest of the owner ;

" immediately after the occurrence of subsidence damage " and " immediately before the occurrence of subsidence damage " mean respectively, in relation to cases to which subsection (3) of section three of the Act applies, immediately after the occurrence of the further damage and immediately before the occurrence of the damage referred to in the damage notice ;

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

" market value " means the amount which the unit of property or, in the case of a unit comprising land or buildings, the fee simple in the property with vacant possession subject to such restrictions, easements, servitudes and rights as are specified in sub-paragraph (1) of paragraph 2 of the Second Schedule to the Act, might have been expected to realise on a sale thereof made in the open market ;

" the normal use " means the use to which the unit of property was, or (but for some temporary non-user or other user) would have been, put immediately before the occurrence of subsidence damage ;

" proper cost " means, in relation to equivalent replacement, such cost of any works as is reasonable, having regard to the prices of materials and rates of remuneration for services current at the time immediately after the occurrence of subsidence damage, and to all other relevant circumstances, less in every case an appropriate deduction from the cost so arrived at in respect of any redundancy, obsolescence, structural defects or serious decorative deterioration in the property in the state in which it was immediately before the occurrence of such damage, and in computing the proper cost of any such works the cost where necessary of the employment of an architect, engineer, surveyor, or other person in connection with the execution of the works, together with the estimated cost of providing a site economically suitable and appropriate as to size, character and situation, shall be treated as part of the cost of the works ;

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

" unit of property " means the unit of property ascertained in accordance with paragraph 1 of the Second Schedule to the Act.

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

3. Any valuation for the purposes of subsection (4) of section one of the Act of a unit of property consisting of or comprising property of a kind not normally the subject of sales in the open market, whether in the state in which it was immediately after or immediately before the occurrence of subsidence damage, shall be made by reference to the time immediately after that damage occurred, and in making any such valuation the highest amount ascertained after applying each of the following paragraphs of this regulation shall be adopted—

(*a*) the proper cost of equivalent replacement of the unit of property less, in the case of a valuation to be made in the state in which that unit was immediately after the occurrence of subsidence damage, the estimated reasonable cost of any works (including works of demolition and clearance) involved in making good that damage so far as may be necessary to render the property reasonably fit for the normal use ;

(*b*) the market value of the unit of property for use for any purpose other than the normal use ;

(*c*) in the case of a unit of property comprising land or buildings, the market value for redevelopment :

Provided that where, in the case of a unit of property comprising land or buildings, it appears both probable and reasonable that such unit of property or any land or buildings comprised therein will continue to be used for the normal use, any valuation as aforesaid of the unit of property shall

(a) 52 & 53 Vict. c. 63.

be made on the basis that such unit or such land or buildings as may be appropriate for the purposes of equivalent replacement, were subject to a perpetual covenant agreement or stipulation restricting the use thereof to the normal use.

Dated this sixth day of August, nineteen hundred and fifty-eight.

Mills,
Minister of Power.

EXPLANATORY NOTE

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

Section 1 (4) of the Coal-Mining (Subsidence) Act, 1957, provides that the National Coal Board may in certain cases make a payment equal to the depreciation in value of property caused by subsidence damage instead of executing any works or making any other payment.

These regulations prescribe the manner in which valuations are to be made in order to determine the depreciation in value of property of a kind not normally the subject of sales in the open market. In general, the valuation of such property in any state is to be made by reference to the time immediately after the damage occurred and to the highest amount ascertained after assessment of the cost of replacement and the market values for use other than the normal use and for redevelopment.

COAST PROTECTION

1958 No. 2146

The Coast Protection (Variation of Excluded Waters) Regulations, 1958

Made - - - -	*17th December,* 1958
Laid before Parliament	*22nd December,* 1958
Coming into Operation	*23rd December,* 1958

The Minister of Housing and Local Government, in exercise of his powers under paragraph 113 of the Fourth Schedule to the Coast Protection Act, 1949(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.– (1) These regulations may be cited as the Coast Protection (Variation of Excluded Waters) Regulations, 1958, and shall come into operation on the 23rd day of December, 1958.

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

(**a**) 12, 13 & 14 Geo. 6. c. 74. (**b**) 52 & 53 Vict. c. 63.