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# Terms and Conditions

## Terms and Conditions for the Provision of Coal Mining Reports by The Coal Authority (CA) to Internet Customers

1. Replies to mining report enquiries will be provided in accordance with the CA's duties under the Coal Industry Act 1994 ("the 1994 Act"). The replies will be given in the belief that they are in accordance with the information available to the CA but on the distinct understanding that the CA is not legally responsible for them except for negligence. The information available to the CA is constantly updated. The CA will make use of the most up to date information available at the time of giving the replies but give no warranty or representation that such information will not become obsolete or incorrect over any period of time. Ordnance Survey (O.S.) is undertaking a Positional Accuracy Improvement Programme of its mapping data. The Coal Authority has no control over the timing of issue of Positionally Improved mapping data by O.S. or over users of that data. In some instances the relative position between surface features and coal mining features may alter as a consequence of this programme. The CA is involved in ensuring that the integrity of its database is maintained by replotting certain mining information to ensure that the relationship between that mining information and the improved O.S. surface positions is accurate.
2. The records in the possession of the CA are derived from a number of sources of various ages. The information contained in those records is of variable reliability. The CA does not represent or warrant that information comprised in the records in its possession is complete, accurate, exhaustive or reliable.
3. Some records are derived from the CA's licensees. They owe a duty of care under section 58 of the 1994 Act to exercise all due diligence to secure that information furnished to the CA in accordance with the provisions of the licence is accurate in every material particular.
4. The information used in the replies to enquiries is drawn from the CA's computer database which is regularly updated. In compiling that database, the CA, in certain instances, has required to make assumptions as to the depth or date of coal workings, the number and inclination of seams and the nature of the mineral worked e.g. in certain areas records attribute more than one name to a single seam.
5. Not all property located within an affected area is within the zone of likely physical influence of underground coal working. Property which is within such a zone will not have necessarily sustained subsidence damage but some support of the property may have been or may be withdrawn from the surface where the property is situated. Replies referring to the likely zone of influence on the surface from mining activities will be based on the principle of 0.7 times the depth of the working allowing for seam inclination.
6. When the CA state that no coal mining report is required, this does not and should not be deemed to confirm that no coal mining strata is present, nor that some part of any coal resources present will (subject to obtaining planning permission and a licence from the CA) not be worked at some future date.
7. A coal mining search relates only to coal and minerals worked in association with coal. The replies will not necessarily disclose the presence of workings of tin, limestone, sand, brine, freestone, sandstone, ironstone and other minerals etc in respect of which separate enquiries may be required in certain areas to the appropriate authority.
8. The replies are provided for the information of the Applicant, (or where the application is made for a client for the information of the Applicant's client) and of any purchaser from or tenant of the Applicant or mortgagee of the property. The CA accepts no liability whatsoever (whether in respect of its negligence or otherwise) to any other person.
9. No refund or transfer of any fee (or part thereof) will be made once a search has been requested.
10. A coal mining search is not intended to deal with the existence (or the relevance to any claim affecting the property) of coal mining leases, conveyances or reservations of minerals or other instruments of severance or agreements with licensed operators, the CA, British Coal Corporation, the National Coal Board or the Coal Commission which may provide the basis of an alternative entitlement to compensation or repair or otherwise affect the position of a claimant.
11. When the CA provides with the replies a plan of the boundaries of the property in respect of which the replies have been prepared it is necessary for the Applicant/user to ensure that such boundaries correspond with those of the property. If the boundary of the property shown on the CA plan does not so correspond the discrepancy should be resolved by the Applicant/user. The property will be located with reference to Ordnance Survey (OS) digital publications in accordance with the plan updates agreement between OS and the CA. The CA cannot and does not warrant that the OS information is complete or accurate and accepts no liability for the position of property as shown on published OS maps.
12. A coal mining search is not a substitute for a site investigation or a mining survey. Applicants/users will have to assess whether a site investigation or mining survey is required having regard (amongst other relevant factors) to the content of the replies and whether the property is to be developed and, if so, the nature and extent of the development. There are experienced mining surveyors and structural engineers in all coal mining areas able to advise as to what further enquiries, mining surveys or site investigation should be made.
13. The reply as to shafts and adits and other entries to underground coal mine workings (within 20m of the boundary of the property) will be prepared only from the records in the possession of the CA. These records may not be complete. The approximate location of any such shaft or adit will be identified on a plan with the replies. For reasons of clarity mine entry symbols may not be drawn to the same scale as the plan. Distances are measured from the centre of the shaft or centre point of an adit entrance.
14. Applicants/users are advised that with effect from 31 October 1994 British Coal's interests in unworked coal and coal mines became vested in the CA. In most cases any shaft or adit will be owned by the CA and not the adjacent surface landowner.
15. No comment is made in coal mining reports about the existence of conjectured surface fault positions shown on geological maps (published by British Geological Survey) which are not known to have affected the stability of a property as a result of coal mining activities.
16. In reporting whether or not a property lies within a former opencast site from which coal has been extracted by opencast methods, depending on the age and source information available to the CA the site boundary may be limited to the coaling area.
17. Where the CA is aware that the property the subject of the request has been affected by mine gas, information will be included in the mining report reply, together with details, where available, of any remedial works carried out by the CA.
18. Property owners may have the benefits of remedies under the Coal Mining Subsidence Act 1991 which contains provision for the making good, to the reasonable satisfaction of the owner, of physical damage from coal mine workings, including disused coal mine entries. A DTI leaflet setting out the rights and obligations of the person responsible for subsidence damage under the 1991 Act and otherwise can be obtained by telephoning 0845 762 6848. All calls will be charged at the local rate.
19. There is no time protection afforded by replies to coal mining searches. Whether an Applicant/user can rely on a past search (of his own or another) depends upon all the circumstances of the case including how recently it was made, the content of the replies, the nature of the property and the Applicant's/user's intentions in relation to it. Licensed operators plans for mining may change as may the other relevant information available to the CA. If there is any doubt as to whether the previous replies remain valid, it is suggested that a new search should be made.
20. The CA shall be deemed not to know the purpose for which the replies are required. The CA makes no warranties or representations as to the suitability of property for any particular use or purpose or its value and shall not, in any circumstances, be liable for any loss or damage at all arising from reliance on the replies in relation to these matters.

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### **Coal Mining Report Information**

A Coal Authority (CA) Coal Mining Report will provide summary information according to the records in the possession of CA relating to:

#### **Past Underground Coal Mining**

- \* Number of coal seams worked within the likely influencing distance of the property based on the principle of 0.7 times the depth of the working allowing for seam inclination, minimum and maximum depth, last date of working.
- \* An indication of whether ground movement should now have ceased when the circumstances are considered appropriate.
- \* An indication of the likely existence of unrecorded coal workings.

#### **Present Underground Coal Mining**

- \* Name and minimum and maximum depth of any coal seams presently being worked within the zone of likely physical influence on the property based on the principle of 0.7 times the depth of the working allowing for seam inclination. The information is repeated for each seam.

#### **Future Underground Coal Mining**

- \* Information is given as to whether or not the subject property lies inside the geographical area for which a licence to extract coal by underground methods is awaiting determination by the CA and/or is extant. The date an extant licence was granted is also given together with advice as to whether the licences are conditional.
- \* Name, minimum and maximum depth, start and end date of any coal seams proposed to be worked within the zone of likely physical influence of the property based on the principle of 0.7 times the depth of the working allowing for seam inclination. The information is repeated for each seam.
- \* Information as to whether further workable coal is known or thought to exist.
- \* Date of any notices given of the risk of the land being affected by coal mining subsidence, issued under Section 46 of the Coal Mining Subsidence Act 1991 (as amended by the Coal Industry Act 1994).

#### **Shafts and Adits**

- \* Details of any shaft or adits within the subject property and within 20 metres of the boundary of the subject property.
- \* Brief treatment details, where known.
- \* A plan showing the approximate location of the shaft(s) and/or adit(s) is provided.

#### **Surface Geology**

- \* Advice as to whether the CA have record of a fault or other line of weakness activated by coal mining and that appears to have affected the property.

#### **Past Opencast Coal Mining**

- \* Information as to whether or not the property lies within a former opencast site from which coal has been extracted by opencast methods.

#### **Present Opencast Coal Mining**

- \* The name of any presently working opencast site within 200 metres of the property. A site is deemed to be working once it has been granted a full licence to extract coal by the CA, although the operator may only work the licence with planning permission.

#### **Future Opencast Coal Mining**

- \* The name of any prospective opencast site within 800 metres of the subject property for which a licence is awaiting determination by the CA.
- \* The name of any prospective opencast site within 800 metres of the subject property for which a conditional licence has been granted by the CA.

#### **Subsidence** - Under the Coal Mining Subsidence Act 1991, details of:-

- \* the date of any damage notice or claim made or pursued since 1 January 1984.
- \* of whether the claim was accepted, rejected or whether liability is still being determined.

- \* where settled, whether this was by repair or compensation or a combination of both. No details of the repair or of the amount paid will be given (additional information may be available, subsequent to receipt of a coal mining report, on written request and payment of an additional archive research fee - telephone 0845 762 6848 for further details).
- \* the date of issue of any current "stop notice" affecting the property.
- \* any requests made for preventative works under S33 of the Coal Mining Subsidence Act 1991.

**Reports for non-residential, commercial or development sites will also include the following additional information:-**

#### **Withdrawal of Support**

- \* Information as to whether or not the site lies within an area in respect of which a notice of entitlement to withdraw support has been published. The date of any notice is provided.
- \* Information as to whether or not the site lies within an area in respect of which a revocation notice has been given under s.41 of the Coal Industry Act 1994. The date of any notice is provided.

#### **Working Facilities Orders**

- \* Whether or not the site lies within an area affected by an order in respect of the working of coal under the Mines (Working Facilities and Support) Acts 1923 and 1966 or any statutory modification or amendment thereof. The date of any such order is provided.

#### **Payments to Owners of Former Copyhold Land**

- \* Information as to whether or not any relevant notice which may affect the property has been given and, if so, details of any notice of retained interests in coal and mines of coal, acceptance or rejection notices and whether any compensation has been paid to the claimant.