

PART III

Terms and Conditions 2018

1 GENERAL

1.1 CON 29M coal mining reports ('CON 29M reports') are provided subject to these Terms and Conditions. Reports will be based on, and limited to, the records held, and licensed by, the Coal Authority at the time the search is answered. The records available to the Coal Authority are constantly updated and added to the Coal Authority's database of mining information. However, no warranty is given, or representation made, that such records will not become obsolete or incorrect over any period of time.

1.2 It is the responsibility of the person by or for whom a report is requested to specify the property for which a report is required and to make clear the full extent of the property boundary, including buildings and associated land.

1.3 These Terms and Conditions, the Law Society's Guidance Notes (Part I of this document) and User Guide (Part II of this document) have been approved by the Law Society and apply to all CON 29M reports. The Terms and Conditions of the individual Report Producer licensed by the Law Society will also apply to the CON 29M reports that they produce.

1.4 The Law Society owns the copyright to the CON 29M form and questions.

2 COAL MINING RECORDS

2.1 The records in the possession of the Coal Authority are derived from a number of sources and, as such, are of various ages, scales, and condition. As a consequence, information sourced from such records is of variable reliability. Additionally, in any particular area there may be information held by others as to historical coal (and other) mining which is not in the possession of the Coal Authority. In the circumstances, the Coal Authority is unable to give any warranty and make no representation that the information comprised in the records in its possession is complete, accurate, exhaustive, or reliable.

2.2 Plans of abandoned coal mines, the coal holdings register, and licence register can be viewed at the Coal Authority's Mining Heritage Centre, by prior appointment. Separate terms and conditions apply. These are available on www.coal.gov.uk or by telephoning 0345 762 6848.

2.3 Some records are derived from licensed operators whose plans for current and future coal mining may change at any time. They are required by section 58 of the Coal Industry Act 1994 to exercise all due diligence to secure the provision of full and accurate information to the Coal Authority in accordance with the provisions of the licences which they hold.

2.4 In certain instances (usually relating to older records in the custody of the Coal Authority) it has been necessary for the Coal Authority to make assumptions as to the most probable ('best plot') positions of mine entries, the depth, date, and extent 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.

3 OTHER MINERALS

3.1 CON 29M (2018) reports relate only to coal and minerals worked in association with coal. The presence of workings of other minerals will not necessarily be disclosed. The enquirer should make enquiries regarding other minerals to the appropriate sources of information in certain areas where these other minerals are known to exist or have been worked. Alternatively, some Report Producers will provide this additional information.

4 SHALLOW COAL WORKINGS

4.1 Where coal workings are reported as having occurred at shallow depth it cannot be said that ground movement should have stopped by now. Likewise, where there is an indication of the likely existence of unrecorded coal workings (reported as and where coal is believed to lie at or close to the surface), future ground movement may still subsequently occur.

5 OPENCAST SITES

5.1 In providing information as to whether or not a property lies within a former opencast site from which coal had been removed by opencast methods, depending on the age and source of information available to, and licensed by, the Coal Authority, the opencast site boundary may be limited to the specific area where coal was believed to have been removed and not to the overall site boundary or excavation area.

6 PLANS

6.1 Where boundaries of the property in respect of which the report has been prepared are included, it is necessary for Users to ensure that such boundaries correspond with those of the property. If the boundary of the property shown on any report plan does not so correspond, any discrepancy should be resolved by the User with their Report Producer.

7 MINING SURVEYS AND SITE INVESTIGATIONS

7.1 A CON 29M report is not a substitute for site investigation or a mining survey. An assessment should be made whether a site investigation or mining survey is required having regard (amongst other relevant factors) to the content of the report 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 coal mining who can advise on any further enquiries, mining surveys, or site investigations that should be carried out.

8 CON 29M REPORT INSURANCE

8.1 Insurance cover may be provided by Report Producers to owners of property to mitigate against any loss of value, attributable to any material change of any of the information in a subsequent CON 29M report from that contained in the report to which the insurance attaches. It is suggested that the CON 29M report and insurance certificate should be kept with the title deeds.

8.2 The insurance does not cover physical damage to property caused by coal mining subsidence for which other more powerful remedies already exist, in particular, but not

limited to, the Coal Mining Subsidence Act 1991. The insurance is not a substitute for any normal homeowner building and contents insurance cover.

8.3 The insurance certificate provided with the residential report outlines the Terms and Conditions of this insurance.

9 LIABILITY

9.1 With regard to liability for negligence, any service related error or error in the coal mining information replies contained in the report is the responsibility and liability of the Report Producer, according to their own Terms and Conditions.

9.2 Property owners may have the benefit of remedies under the Coal Mining Subsidence Act 1991 which contains provisions relating to the making good, to the reasonable satisfaction of the claimant, and of physical damage from coal mine workings, including disused coal mine entries. A leaflet setting out the rights and obligations of the person responsible for subsidence damage under the 1991 Act can be obtained from the Coal Authority by telephoning 01623 637429.

10 COMPLAINTS PROCEDURE

10.1 Each individual Report Producer should provide full details of their complaints procedure and the contact details for submitting any feedback or complaints.

11 CON 29M (2018) REPORT INFORMATION

11.1 In respect of each residential property search, reports will provide summary information according to the records in the possession of, and licensed by, the Coal Authority relating to those matters referred to below on the basis of and subject to these Terms and Conditions referred to in paragraphs 1 to 10 inclusive above. For each search the report should include the following information:

Past underground coal mining

- Whether the property is within an area of influence on the surface of past underground working based on the principle of 0.7 times the depth of the working allowing for seam inclination.

Present underground coal mining

- Whether the property is within the zone of likely physical influence on the surface of present underground coal workings. The seams involved are indicated.

Future underground coal mining

- Whether the property lies within the geographical area for which the Coal Authority are determining whether to grant a licence, or have granted a licence, to remove coal by underground methods.
- Whether the property is within the zone of likely physical influence on the surface. An indication will be given of the seams involved and approximate date of working.
- Whether any notice of proposals relating to underground coal mining operations have been given under section 46 of the Coal Mining Subsidence Act 1991 and, if so, details are given of the date of the last notice.

Shafts and adits

- Details of any shafts or adits within the property and/or within 20 metres of the boundary of the property.
- Brief treatment details, where known.
- A plan showing the approximate location of any shafts and/or adits is provided.

Coal mining geology

- Whether the Coal Authority have record of a fault or other line of weakness at the surface that is known to the Coal Authority to have made the property unstable.

Past opencast coal mining

- Whether the property lies within the boundary of an opencast site from which coal has been removed in the past by opencast methods.

Present opencast coal mining

- Whether the property is within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods.

Future opencast coal mining

- Whether the property is within 800 metres of an area for which the Coal Authority are determining whether to grant a licence to remove coal by opencast methods.
- Whether the property is within 800 metres of an area for which a licence to remove coal by opencast methods has been granted by the Coal Authority.

Coal mining subsidence claims

- The date of any damage notice or claim made or pursued for alleged coal mining subsidence damage since 31 October 1994.
- Whether the claim was accepted, rejected, or whether liability is still being determined.
- Where a claim has been discharged, whether this was by making good or by payment of compensation or a combination of both. No details of the works to make good or of the amount paid will be given (additional information may be available, subsequent to receipt of a report, on written request and payment of an additional archive research fee and subject to obtaining the owner's consent).
- Whether there is any current 'Stop Notice' concerning the deferment of remedial works or repairs affecting the property, and if so the date of the notice.
- Whether there has been any request made to execute preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991. If yes, whether any person withheld consent or failed to comply with any request to execute preventive works.

Mine gas emissions

- Whether the Coal Authority, since its creation in 1994, have record of any mine gas emission within the boundary of the property being reported that subsequently required action by the Coal Authority to mitigate the effects of the mine gas emission. The report does not include reference to any alleged mine gas emission not subsequently accepted by the Coal Authority as being related to coal mining activity, e.g. natural gas and other non-coal mining related gas emissions, or mine gas emissions not the subject of any subsequent remedial works by the Coal Authority.

Emergency call out surface hazard incidents

- Whether, since its creation in 1994, the Coal Authority have carried out any work on or within the boundaries of the property following a report of an alleged hazard related to coal mining under the Coal Authority's Emergency Surface Hazard Call Out procedures. The report does not include reference to any reported hazard incident not subsequently accepted by the Coal Authority as being caused by coal mining activity.

11.2 Reports for non-residential or development sites within the coal mining areas should also include the following additional information:

Withdrawal of support

- Whether 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.
- Whether the site lies within an area in respect of which a revocation notice withdrawing the entitlement to withdraw support has been given under section 41 of the Coal Industry Act 1994. The date of any notice is provided.

Working facilities orders

- Whether 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 of 1923 and 1966 or any statutory modification or amendment thereof. The date of any such notice is provided.

Payments to owners of former copyhold land

- Whether any relevant notice which may affect the property has been given and, if so, details of any notice of retained interests in coal and coal mines, acceptance or rejection notices and whether any compensation has been paid to a claimant.

11.3 Where the Coal Authority offer and provide a No Search Required Certificate further to confirmation that a CON 29M (2018) search is not required for a particular property, this does not and should not be deemed to confirm:

- (a) that no coal mining strata is present; nor
- (b) that some part of any coal resources present will (subject to obtaining planning permission and any necessary licences) not be worked at some future date; nor
- (c) that minerals other than coal have not been worked in the vicinity of the property; nor
- (d) that the property is not affected by any natural ground subsidence hazards, including, but not restricted to, shrinkable clay, running sand, compressible materials, collapsible materials, landslide activity or soluble rocks including limestone, chalk, gypsum or salt.