

PART 2

User Guide 2006

1. Introduction

- 1.1 The past legacy and ongoing impact of coal mining can affect surface property. Consequently, property professionals agree that considering whether a coal mining search is necessary is an essential step for anyone buying or developing property in any coal mining area in Scotland.
- 1.2 The Coal Authority ("the Authority") holds and maintains the national coal mining database and their Mining Reports Service provides a fast, accurate and cost-effective coal mining search service. Mining reports provide property-specific information about past, current and future underground and surface coal mining activities affecting any individual property or site in Scotland.
- 1.3 Before making a search, it is suggested that users should familiarise themselves with this User Guide. For the purpose of this Guide, users should be taken to include solicitors, licensed conveyancers, surveyors, valuers, estate agents, lending organisations, insurers, surface developers and any other individual or organisation making a search with the Authority for their own or their clients use.
- 1.4 Solicitors should consider whether a coal mining search should be made in any particular transaction dealing with land in coal mining areas ("affected areas"), including purchase, mortgage, further advance or before any development takes place. If deemed necessary, it is recommended that the search be made before the conclusion of Missives or in appropriate cases that the Missives be made conditional on the report being satisfactory. It is also recommended that the search be made early enough to enable the results to be available to the client's valuer or surveyor so that s/he has the benefit of the search information to hand when carrying out any valuation for sale, purchase, mortgage or other valuation purpose.
- 1.5 This User Guide should be read in conjunction with the Law Society's Guidance Notes 2006 and the Authority's Terms and Conditions 2006.

2. Affected Areas

- 2.1 Whilst past and current coal mining activities are widespread, most of Scotland is not an affected area. It is suggested that a coal mining search may be required if the property is within an area which may be affected by previous, current or proposed working of coal. It is recommended that the user should not rely upon his/her own "local knowledge" in determining whether or not a search should be made.

2.2 Subject to paragraph 2.7 below, no coal mining search is required to be made in respect of property in any of the following Unitary Districts of Scotland:

Aberdeenshire	Moray
Angus	Orkney Islands
City of Aberdeen	Shetland Islands
City of Dundee	Western Isles
Inverclyde	

2.3 A coal mining search may be necessary in respect of properties in certain specified places in the following Unitary Districts, namely:

Argyll & Bute	Highland
Borders	Midlothian
City of Edinburgh	North Ayrshire
City of Glasgow	North Lanarkshire
Clackmannanshire	Perth and Kinross
Dumfries & Galloway	Renfrewshire
East Ayrshire	South Ayrshire
East Dunbartonshire	South Lanarkshire
East Lothian	Stirling
East Renfrewshire	West Dunbartonshire
Falkirk	West Lothian
Fife	

2.4 The procedures for finding out which places within these Unitary Districts are deemed to be affected by coal mining are outlined at paragraph 3.1 of this User Guide.

2.5 Not all property located within an affected area is within the zone of likely physical influence on the surface of underground coal working. Property which is within such a zone will not necessarily sustain subsidence damage but some support from the surface where the property is situated may have been or may be withdrawn in the future. Calculations relating 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.

2.6 Licensed mine operators are required to give property owners advance notice of any proposals for underground coal mining operations which might result in subsidence affecting the property and of any decision not to proceed with the operations or anything which gives them reason to believe there is no longer any risk of the property being affected by subsidence and of the discontinuance of any operations which have been carried on.

2.7 When the Authority states, by whatever means, that the possibility of future coal working is unlikely, this does not and should not be deemed to affirm 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 Authority) not be worked at some future date.

2.8 Responses to searches made for land and property lying outside of the Authority's defined coal mining areas will state that the property lies outside any defined coalfield area, and will not answer each individual question on Scot Form 2006.

3. Procedures for finding out whether a coal mining search may be necessary

3.1 Users can establish whether a coal mining search is required by:-

- ❖ Using the Directory of Places in Part 4 - an updated version of which is maintained by the Authority at www.miningreports.co.uk
- ❖ Using the Authority's Online Address Screening Service at www.miningreport.co.uk which provides immediate online confirmation on entering a property address as to whether a coal mining search is recommended or not. By its nature, this electronic screening system is more precise than using a printed listing of place names.

4. How to use the published Directory listings

4.1 The user should inspect the Directory of Places to ascertain whether the name of the place in which the property is situated is listed as either a place where a coal mining search may be required or whether it is listed as a place where a coal mining search is not required. If the place is listed as a place where a coal mining search may be required then it is suggested that a coal mining search should be made. Where a place is not listed, users should contact the Authority on 0845 762 6848 or by e-mail at reporting@coal.gov.uk .

5. How to use the Authority's online address screening service

5.1 To use the Authority's online address screening service:

1. Log onto the Authority's web-site at www.miningreports.co.uk (a link is also available from the corporate web-site at www.coal.gov.uk)
2. Enter the site as either a regular user (see paragraph 8 of this User Guide) or to simply use the service.
3. Select the premise type (e.g. residential or non-residential or site search)
4. Enter the house number or name and post-code in the boxes provided. If a post-code is not available then select "full address entry".
5. Where possible, confirm the corrected Royal Mail Address File (PAF) search address when prompted.

6. You will be immediately advised that, from the information available to the Authority, either:-
 - (a) a search is not required for the property (with the option to purchase a No Search Required Certificate to confirm this information, if required); or
 - (b) that a search is recommended (and given the option of report types and services available for purchase) and the facility to order reports online.
7. If users do not wish to make a search online they can exit the service at this stage, or search against other property addresses.

6. Search enquiries and types of report

6.1 Two types of search can be made (see paragraph 12 of the User Guide for fees):

1. **Residential Property Search.** This is available for single unit residential property, either existing or currently being built, i.e. having already been the subject in full or part of a previous development site search. By way of illustration, this includes any single unit domestic property (e.g. a house, flat or bungalow including any associated garage or car-parking space), a single plot on a multi-plot development site, a farmhouse or similar converted property up to a maximum of 25 hectares in extent.

The mining report answers enquiries 1 to 11 of the ScotForm (2006) Enquiry Form, relating to:

- past, present and future underground coal mining;
- mine shafts and adits;
- coal mining geology;
- past, present and future opencast coal mining;
- coal mining subsidence (damage notice / claim / method of discharge of remedial obligations or claim / stop notice / request for preventive works);
- mine gas emissions, and
- incidents dealt with under the Authority's emergency surface hazard call out procedure.

Additional advice will be included, where appropriate, depending on the mining circumstances.

All residential property searches will include insurance cover (see paragraph 21 of this User Guide)

If the search is for an existing single unit residential property and the homeowner intends having a conservatory or an extension built, then the residential search should still be appropriate. If major development works are intended then a non-residential search should be made.

2. **Non-Residential Property or Development Site Search.** This is available for non-domestic properties, i.e. non-residential, commercial or development and other sites. By way of illustration, this includes multiple residential property requests (e.g. a pair of semi-detached houses, a row of terraced houses or a block of flats), vacant land, public houses, shops, businesses, commercial property, industrial estates, rural estates, working farms and their associated outbuildings and land, pipelines, roads and similar linear structures up to 500 metres in extent, **any** sized development site from a single plot up to a maximum of 25 hectares in extent (see also paragraph 13.2 of the User Guide). The mining report answers enquiries 1 to 13 of the ScotForm (2006) Enquiry Form, including the Residential Property Search enquiries 1 to 11 and the additional enquiries relating to:

- withdrawal of support
- working facilities orders

Additional advice will be included from the Coal Authority, where appropriate, depending on the reported circumstances.

The residential property search insurance **does not** cover non-residential or commercial land or property, or development sites.

- 6.2 With regard to withdrawal of support, users should be aware that statutory provisions may override the common law principles giving surface land-owners a prima facie right of support. Such statutory provisions are contained in coal mining legislation such as:-

- ❖ Coal Industry Act 1994, section 38;
- ❖ Coal Industry Act 1975, section 2; and
- ❖ Coal Act 1938, Schedule 2, paragraphs 5 & 6.

The report will give details of any notice(s) given under the relevant legislation. The report will not give details of any rights contained in Title or Severance Deeds. Whether any support has or may be withdrawn can be answered only by reference to the records presently available to the Authority

and, where appropriate, will be effectively answered under the past, present and future headings of the Scot Form 2006 report reply.

7 Overview of search methods

- 7.1 Searches can be made electronically using the Authority's online service or through a private sector search company. They can also be ordered by telephone and ordered and returned by email, post or fax. Details of each method are outlined below.
- 7.2 The vast majority of Coal Authority online, telephone and fax enquiries are returned within 24 to 48 hours. Most postal enquiries are dealt with within five working days of receipt. Whilst these turnaround times are typical, they cannot be guaranteed. It is therefore suggested that searches should be made as early as possible in the conveyancing process to avoid the consequence of any delay. This will ensure timely return of reports and avoid potential difficulties in meeting the user's own time schedules.

8. Ordering electronically (Coal Authority's Online Service)

- 8.1 The Coal Authority's Online Service is a quick, easy and convenient way for users to make searches and receive reports, either directly or through a private sector search company registered to use it.
- 8.2 To use the online service directly users will require the following:
- the postcode and house number or name of the property (or full postal address or description for any non-postcode property);
 - an email address;
 - contact details including name, address and telephone number;
 - a credit or debit card (unless a monthly invoiced account is used);
 - Netscape Browser version 4.0 or above/Microsoft Internet Explorer Browser version 5.0 or above.
- 8.3 Regular users can register online at www.groundstability.com and create their own unique user ID and password for unlimited subsequent access to the system and for reports to be dispatched using either their pre-recorded address details or be available to download.
- 8.4 Reports will be dispatched to users via email as a PDF or ZIPPED attachment (WinZip can be obtained from www.winzip.com). Users will need to have the Adobe Acrobat Reader to view these attachments (if you do not have this it can be downloaded from www.adobe.co.uk for free). Registered users are also able to download reports.

- 8.5 The majority of reports are returned within 24 to 48 hours, the remainder within 72 hours.
- 8.6 Payment for the reports is made via the WorldPay secure payment system or by monthly invoice. A monthly invoiced account arrangement is available but its use is subject to application, acceptance and a formal credit agreement with the Authority. The Authority reserves the right to carry out credit checks on account holders and applicants.
- 8.7 Where the WorldPay secure payment system is used, the Authority's Online Service will automatically link users to the WorldPay system when payment is required. For security reasons, no credit or debit card details are seen or stored by the Authority, and all payment transactions take place directly within the WorldPay system. For more information on the WorldPay system users can visit the Authority's or WorldPay website (www.worldpay.com).
- 8.8 The Authority's Online Service is based on postal address searching and is particularly suited for making searches on existing residential property. Searches can also be ordered for non-residential property, vacant land and development sites. However, when ordering non-residential property searches online, users should also send a location plan quoting the order confirmation number provided once the order is completed. This is necessary to enable the Authority to accurately define the property or site boundary. Location plans can be provided by email, fax or post at the preference of the user.
- 8.9 Once WorldPay confirms payment, or account holders receive confirmation that reports have been added to monthly invoices, reports will be automatically produced by the Authority. Users will therefore not be able to cancel orders after receiving confirmation that reports have been ordered.
- 8.10 Whilst it is not necessary to use the ScotForm (2006) search form when carrying out searches online, replies will be prepared in answer to the questions asked on this form and in accordance with the Law Society's Guidance Notes 2006, the User Guide 2006 and the Authority's Terms and Conditions 2006.
- 8.11 Registered users are also able to track the progress of searches made online with an option to request further copies of the search report, if required, by email or to be downloaded.

9. Ordering by telephone

- 9.1 Account and credit/debit card users can also order reports by telephone on 0845 762 6848. Users then have the option of having the reports returned by e-mail, fax or post. The procedure is as follows:
- 9.2 Before calling, users need to have the following information to hand:

Account holders will need:

- customer account number; and
- the house number and postcode of the subject property (or full site description for non-addressable property).

Non-account holders will need:

- credit/debit card details;
- contact telephone number;
- the house number and postcode of the subject property (or full site description for non-addressable property);
- contact details of the preferred method of receiving the report(s), i.e. email, postal address or fax number.

- 9.3 Users should call the Authority on 0845 762 6848 and inform the customer service search assistant that they wish to order a ScotForm coal mining report(s) over the phone.
- 9.4 Callers should advise whether they are an account holder or not and, if so, provide their customer account number.
- 9.5 The search assistant will ask for the house number and postcode of each subject property and confirm the Royal Mail's Address File (PAF) corrected address. The facility is also available to order a non-PAF address, e.g. for a development plot or site, with users then forwarding a plan separately by e mail, fax or post (at the user's preference) delineating the boundaries of the site (see paragraph 10.8 below).
- 9.6 The search assistant will confirm the account holders' preferred method of receiving the report(s). Non-account holders will be asked for their preferred return route and asked for details, i.e. email, postal address or fax number.
- 9.7 The search assistant will digitise the property boundary, seeking any clarification as necessary.
- 9.8 Where the extent of the property boundary needs further clarification, users will be asked to provide a location plan by email, fax or post (at the user's preference) and given a reference number to quote.
- 9.9 Multiple requests can be accommodated.
- 9.10 For non-account holders, the search assistant will advise of the total fee for the report(s) ordered and request and input the user's credit or debit card details.
- 9.11 On successful credit/debit card authorisation, boundary digitisation will be confirmed and the coal mining report(s) will be passed for processing.

- 9.12 If the credit/debit card authorisation is unsuccessful, the process cannot proceed and the user will be asked to request the report(s) by another method, e.g. by post (see paragraph 11 of this User Guide).
- 9.13 Whilst it is not necessary to use the ScotForm (2006) form when carrying out searches by telephone, replies will be prepared in answer to the questions asked on the form and in accordance with the Law Society's Guidance Notes 2006, the User Guide 2006 and the Authority's Terms and Conditions 2006.

10. Searches by post

- 10.1 Searches can be made by completing the ScotForm (2006) search form. Copies of the form are available from the Law Society of Scotland, telephone 0131 226 7411. These can also be accessed and downloaded from the Authority's web-site at www.miningreports.co.uk.com.
- 10.2 The search form must be completed (preferably in type or block capitals) by insertion of the full postal address including the postcode of the property. As full a description as possible should be given where the property address is not of the standard single number and postcode type. The search form should include the name and either the document exchange (DX) number of the user, or postal address. An email address is required if electronic return of the mining report is preferred, or a fax number. The request should also include the user's file reference and telephone number. Replies by email will be sent as a secure PDF file. *Please note that Legal Post do not currently provide any service for the return of mail from England & Wales. It is important therefore that Users provide either a Royal Mail, DX or email address.*
- 10.3 Users should indicate the mining report type required, i.e. whether it is for residential or for a non-residential site. The non-residential site searches attract a higher fee and will include replies to the Additional Enquiries 12 and 13 outlined in paragraph 6.1 above. It is inappropriate to request a residential property search for non-residential property sites and any such requests will be returned for resubmission and the correct fee. The search form also contains provision for the search to be expedited by fax on payment of an additional fee (see paragraph 12 below).
- 10.4 The search request should be sent with a plan of the property (see paragraph 11.5 below) and the appropriate fee to: *The Coal Authority, Mining Reports, DX 716176, Mansfield 5* or by post to *The Coal Authority, Mining Reports, 200 Lichfield Lane, Mansfield, Nottinghamshire, NG18 4RG*.
- 10.5 When searches are requested by post, users are recommended to submit a plan with every search application as it is likely to be replied to sooner than a search application without a plan. If a plan is not submitted there may be difficulties and delays in identifying the property or its extent, in which circumstances, the Authority may request that a plan be supplied with consequent delay in replying to the search application. When submitting requests for development site plots, the accompanying plan should show the

plot boundary in relation to established surface features. The Authority will retain plans supplied.

- 10.6 No covering letter is required to be sent nor is it necessary to sign the search form. A copy of the search and plan should be retained and affixed to the replies when received. If photocopies of the form are used it is important that these are of good quality and both sides of the search form should be reproduced for retention and annexing to the reply when received.
- 10.7 A separate search is required to be made in respect of each individual property.
- 10.8 Poor quality photocopies of the search form may not be accepted and will be returned.
- 10.9 Users are asked:-
- not to staple anything to the form - cheques should be attached with a paper-clip or similar;
 - not to send a covering letter;
 - to write clearly - the form should be typed or written in block letters;
 - to include a post-code where available;
 - to complete all the entries on the form; and
 - to enclose and sign an accompanying cheque and ensure it is for the correct fee.

11. Expedited search service

- 11.1 Notwithstanding the introduction of online services (which return the majority of reports within 24 to 48 hours), the Authority's Expedited Search service is still available, on payment of an additional fee.
- 11.2 In using this service a user may make a search by telephone, fax or by post and receive a mining report by fax within 48 hours. An additional fee is payable for expedition and this can be established by contacting the Authority's customer service team on 0845 762 6848 or visiting www.groundstability.com.
- 11.3 The Expedited search service is only available to credit account customers or where the full fee, including the expedite element, is paid in advance, i.e. either by credit or debit card (over the telephone) or by cheque (postal enquiries).
- 11.4 In order to make an **Expedited** Search by post, the form should be completed as normal with "Yes" selected against the 'Expedited Search' field. Users should also add their fax number in full. In normal circumstances the replies will be returned by fax the same day or the next working day.

12. Fees

- 12.1 The current scale of charges for mining searches and other services is available on the Authority's website at www.miningreports.co.uk. Advice is also available on contacting the Authority's customer service team on 0845 762 6848.
- 12.2 The actual fee payable for a report will depend on the method of ordering and whether it is for a residential property or for a non-residential, commercial or other site. Additional fees are payable for sites in excess of 25 hectares in extent and for linear property, like pipelines and roads etc, that exceed 500 metres in length. The fee in these circumstances will be the current Non-Residential Search fee for each 25 hectares or 500 metre length. No Search Required certificates (see paragraph 5.1 above) attract a lesser fee.
- 12.3 The fees charged in respect of searches and related services are reviewed from time to time. The Law Society will be consulted before any change is proposed. Notification by email, post or the publication on the Authority's website of a revised scale of charges constitutes notice of any fee change. Changed fees become payable from the date advised on any notification email, letter or website scale of charges.
- 12.4 For postal enquiries, the fee is payable when the search is made and should accompany the form. The reply will contain a VAT receipt for the fee. The VAT element of the fee should be treated by the user as an input for VAT purposes and VAT must be charged to the client. It should not be necessary to retain the receipted reply (nor a copy) for VAT purposes.
- 12.5 If, by mistake, a user makes a coal mining search in respect of property outside the affected areas, the Authority will reply but the fee will not be refunded.
- 12.6 The Authority will return any request received that encloses an incorrect fee, with a request for the correct fee.
- 12.7 The Authority cannot guarantee to cancel a search once a request has been made. No refund or transfer of any fee (or part thereof) will be made once a search has been logged onto the Authority's MRSDS computer systems for report production.

13. Paying for reports

- 13.1 Depending on the method used to search and to receive reports, various methods of payment are available. Payment can be made by:
- cheque in advance (for all postal enquiries) made payable to The Coal Authority;
 - postal order;

- BACS or CHAPS transfer;
- credit or debit card; and
- customer credit account (telephone and on-line customers only).

14. Customer account facilities

14.1 Customer account facilities are available (subject to conditions) for users of the Authority's online and telephone services. To apply for a monthly invoiced account, telephone users will need to complete an application form which is available from the Authority on 0845 762 6848 or by email at miningreports@coal.gov.uk. Online users need to register at www.groundstability.com. Accounts will only be offered to those customers who satisfy the selection criteria and are subject to a formal credit agreement with the Authority. No account facility will be provided to users who are currently on the stop list of either the Authority's MRSDS system or the expedited service. Account facilities will only be provided to those users who request, on average, five or more reports each month.

14.2 The account facility terms and conditions are:

1. For each calendar month (or similar period) the Authority will issue to the account holder a statement with details of all reports dispatched to the account holder in the relevant month (or similar period) and an invoice showing the amount payable by the account holder.
2. The account holder shall pay to the Authority within 30 days of the date of each statement and invoice the total amount properly due and owing shown in each such statement and invoice without deduction or set off.

14.3 Payment can be made by credit or debit card, BACS transfer or by cheque payable to "The Coal Authority" sent to The Coal Authority, Finance Department, 200 Lichfield Lane, Mansfield, Nottinghamshire, NG18 4RG (or DX 716176 Mansfield 5).

14.4 In the event that the account holder does not pay the amount shown in any statement and invoice within the time specified in paragraph 15.2.2 above the Authority shall be entitled to:

- charge interest on the amount outstanding at the rate of five per cent per annum above the base rate announced from time to time by the Monetary Policy Committee of the Bank of England (or any replacement committee), from the date that it became due to the date of receipt;
- withdraw the account facility;

- withdraw any volume related discount entitlement.
- 14.5 As and when it deems it necessary to do so, the Authority reserves the right to make searches with credit reference agencies, who may keep a record of those searches and may share that information with other businesses. The Authority also reserves the right to make enquiries about your directors with credit reference agencies.
- 14.6 The Authority reserve the right to withdraw or suspend customer account facilities where the volumes of reports requested falls below, on average, five per month or for persistent late payment of invoices.
- 14.7 The decision of the Authority as to the amount, if any, of volume related discount available to high volume users of the Authority's electronic services, is final and not subject to negotiation. Late payment of invoices disqualifies the account holder to any volume related discount entitlement.

15 Plans

- 15.1 Users should ensure that the full boundary of the property is provided to the Authority and not just the property building footprint or other lesser area. When submitting requests for development site plots, the accompanying plan should show the plot boundary in relation to established surface features.
- 15.2 The Authority provides with each report a plan of the boundaries of the property in respect of which the report has been prepared. It is necessary for users to ensure that such boundaries correspond with those of the property. If the boundary of the property shown on the Authority plan does not so correspond, any discrepancy should be resolved by the user with the Authority. If users do not refer the discrepancy to the Authority within 28 days of the date of the report in question, users will have to make a fresh search with payment of the appropriate fee. The property will be located with reference to Ordnance Survey (OS) digital publications. The Authority cannot and does not warrant that the OS information is up-to-date, complete or accurate and accepts no liability for the plotted position of property as shown on published OS maps.
- 15.3 Ordnance Survey has undertaken a positional accuracy improvement programme of its mapping data. The Authority had no control over the timing of issue of positionally improved mapping data by OS or other users of that data. In some instances the relative position between surface features and coal mining and other features has altered as a consequence of this programme. The Authority has ensured that the integrity of its database has been maintained by replotting certain coal mining information to ensure that the relationship between that mining information and the improved OS surface positions is accurate. However, mining reports may still be produced against pre-improved OS mapping whilst the Authority updates its database in line with the OS changes.

16. Shafts and Adits

- 16.1 Shafts are vertical or near vertical entrances sunk from the surface to access underground mine workings. Adits are walkable entrances driven from the surface to access underground mine workings. Adits may be horizontal, or slope upwards or downwards. Shafts and adits may be collectively referred to as “mine entries”.
- 16.2 The reply as to shafts and adits (within 20m of the boundary of the property) will be prepared only from the records in the possession of the Authority. These records may not be complete. The reporting distance of 20 metres is recommended and agreed with the Law Society, Royal Institution of Chartered Surveyors, Council of Mortgage Lenders and the Association of British Insurers. Given the indeterminate accuracy of many of the source records, the Authority is unable to take account of and reflect in reports any possible difference between the actual and plotted position of the mine entry or its likely size or depth. The approximate location of any such shaft or adit will be identified on a plan with the report at no extra cost. To aid clarity the mine entry symbols are not necessarily shown to the same scale as the plan. Distances are measured from the estimated centre of the shaft or centre point of an adit entrance.
- 16.3 References to a coal mine shaft within 20 metres of a property or its boundary does not necessarily mean that the property has or will have any instability problems. The number of cases where shafts affect the structure of a property are very low.

The Authority provides an optional follow-up supplementary Interpretive Report Service for any user receiving a residential mining report which discloses a mine entry (shaft or adit) - see paragraph 17 of this User Guide.

- 16.4 Users are reminded that with effect from 31 October 1994 British Coal's interests in unworked coal and coal mines became vested in the Authority. In most cases, but not all, any shaft or adit will be owned by the Authority and not the adjacent surface landowner. In these cases the permission of the Authority must be sought before carrying out any works to locate, treat or in any other way interfere with disused coal mine shafts or adits.

17. Interpretive Reports

- 17.1 The Authority offers an Interpretive Report Service as a value-added optional extra for any user receiving a residential mining report which discloses a mine entry (shaft or adit). These interpretive reports provide more detailed analysis and advice about mine entries. This will include a risk assessment as to whether, in the expert opinion of the Coal Authority, the main building of the property is inside or outside the possible zone of ground movement from any reported mine entry. In carrying out this risk assessment, the Authority will take account of the geology beneath the property (based on additional data

provided by the British Geological Survey where the Authority's data is incomplete), the possible difference between the actual and plotted position of the mine entry, its source and its likely size. Opinion will also be given where the main building is considered clear of the zone of ground movement but the possibility of coal mining subsidence damage to the garden areas or other buildings cannot be discounted. Where property lies inside the zone of influence of a mine entry, the Authority will provide comprehensive advice as to the rights of property owners and the remedial obligations of the Authority or licensed operators.

- 17.2 The Interpretive Report Service was created to resolve the difficulties being experienced in some parts of the country where properties lost value as a consequence of a mining report disclosing the presence of disused mine entries. Emphasis has been given to customer needs in the design, content and format of the report following extensive customer liaison, as well as with the Law Society, Council of Mortgage Lenders, Association of British Insurers and the Royal Institution of Chartered Surveyors, to ensure its introduction was beneficial to property professionals and the property buying public alike.
- 17.3 The initial residential report advises of the availability and cost of the Interpretive Report and the procedure for ordering one. The Authority aim to return the majority of Interpretive Reports within 48 hours.
- 17.4 Payment can be made by credit or debit card, by cheque or on account.
- 17.5 This service is not available for pre-build property or for non-residential property or sites.

18. Coal mining subsidence damage claims

- 18.1 In answer to enquiry 9 of the ScotForm (2006) enquiry form, the report will provide information about any claim for coal mining subsidence damage made or pursued since 1 January 1984. Where the Authority confirm that they have not received a damage notice or claim for a property since 1 January 1984 this should not be taken as necessarily inferring that a claim either has or hasn't been made prior to this date. When the first standard mining report enquiry form was introduced in 1989 it asked whether any claims had been made or pursued "in the last five years", i.e. since 1984. All subsequent editions of the standard enquiry form have retained this 1984 start date.
- 18.2 If further subsidence damage claims information is required in addition to that provided in a report, the Authority need to manually search their records. Such further enquiries should be made under separate cover to The Coal Authority, Claims History Service, DX 716176 Mansfield 5 or by post to The Coal Authority, Claims History Service, 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire, NG18 4RG, enclosing the relevant fee or by telephone for payment by credit or debit card or for account customers. For advice on the current fee for this service contact the Authority's customer service team on 0845 762 6848 or check the Authority's website at www.miningreports.co.uk.

Alternatively, it may be that such information can be obtained by other means such as preliminary enquiries of the present owner.

19. Time Validity

- 19.1 There is no time protection afforded by replies to ScotForm and other mining and reports. Whether a user can rely on a past report (of his/her own or another) depends upon all the circumstances of the case including how recently it was made, the content of the report, the nature of the property and the users intentions in relation to it. Licensed operators plans for mining may change as may the other relevant information available to the Authority. If there is any doubt as to whether the previous replies remain valid, it is suggested that a new search should be made. Without prejudice to the generality of the foregoing, any report must not be relied upon in any event in excess of 90 days from its date of issue and must thereafter be verified as still being up-to-date, either by making a fresh search or by using any available update service provided by the Authority.

20. Scot Form (2006) reports insurance

- 20.1 Insurance cover will be provided to owners of property to mitigate against any loss of value, up to a maximum of £20,000, attributable to any material change of any of the information in a subsequent residential ScotForm (2006) report from that contained in the ScotForm (2006) report to which the insurance attaches. The period of insurance cover is the full term of ownership.
- 20.2 It is suggested that the report and insurance certificate should be kept with the title deeds. The insurance cover takes account of circumstances where a report was obtained by the seller of the property as part of a Purchaser's Information Pack or where the property is being sold by way of auction. Cover is also provided where a report is obtained in the event of a remortgage of the property or where the owner simply elects to obtain a fresh report.
- 20.3 The insurance does not cover non-residential property; neither does it 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.

- 20.4 The insurance has been designed and arranged by Tyser (UK) Ltd, part of Tyser Group (Lloyd's insurance brokers, established 1820) and is underwritten by Groupama Insurance Company via Legal & Contingency Ltd. The insurance certificate provided with the residential report outlines the terms and conditions of this insurance.