
Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1994, Paragraph 4. (See end of Document for details)

SCHEDULES

SCHEDULE 2

RESTRUCTURING SCHEMES

Supplemental provisions of schemes

- 4 (1) A restructuring scheme may contain supplemental, incidental, consequential and transitional provision for the purposes of, or in connection with, any transfer of property, rights or liabilities for which the scheme provides or in connection with any other provisions contained in the scheme; and any such provision may include different provision for different cases or different purposes.
- (2) A restructuring scheme may, in relation to transfers in accordance with the scheme, make provision, either generally or for such purposes as may be specified in the scheme—
- (a) for the transfers to be regarded as taking place in a specified order;
 - (b) for the transferee to be treated as the same person in law as the Corporation or, as the case may be, its wholly-owned subsidiary;
 - (c) for agreements made, transactions effected or other things done by or in relation to the Corporation or any of its wholly-owned subsidiaries to be treated, so far as may be necessary for the purposes of or in connection with the transfers, as made, effected or done by or in relation to the transferee;
 - (d) for references in any agreement (whether or not in writing) or in any deed, bond, instrument or other document to, or to any member or officer of, the Corporation or any of its wholly-owned subsidiaries to have effect, so far as may be necessary for the purposes of or in connection with any of the transfers, with such modifications as are specified in the scheme;
 - (e) for proceedings commenced by or against the Corporation or any of its wholly-owned subsidiaries to be continued by or against the transferee;
 - (f) for any such questions about the effect of the scheme as arise between different transferees, or between any of the transferees on the one hand and the Corporation or any of its wholly-owned subsidiaries or a transferee under another scheme on the other, to be referred to such arbitration as may be specified in or determined under the scheme in question, and for determinations in any such arbitrations to be conclusive;
 - (g) for a certificate as to the effect of the scheme which is given—
 - (i) jointly by the Corporation and any one or more persons who are transferees under the scheme, or
 - (ii) by the Corporation or any such transferee with the concurrence as to the statements contained in the certificate of any other persons, to be conclusive as between the persons giving, or concurring in the giving of, the certificate.
- (3) Where any person is entitled, in consequence of any transfer made in accordance with a restructuring scheme or in pursuance of any provision made under this paragraph,

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to possession of a document relating in part to the title to, or to the management of, any land or other property in England and Wales—

- (a) the scheme may contain provision for treating that person as having given another person an acknowledgment in writing of the right of that other person to the production of the document and to delivery of copies thereof; and
- (b) section 64 of the ^{M1}Law of Property Act 1925 (production and safe custody of documents) shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.

- (4) Where any person is entitled, in consequence of any transfer made in accordance with a restructuring scheme or in pursuance of provision made under this paragraph, to possession of a document relating in part to the title to, or to the management of, any land or other property in Scotland transferred in accordance with a restructuring scheme, subsections (1) and (2) of section 16 of the ^{M2}Land Registration (Scotland) Act 1979 (omission of certain clauses in deeds) shall have effect in relation to the transfer as if the transfer had been effected by deed and as if from each of those subsections the words “unless specially qualified” were omitted.
- (5) Where a restructuring scheme makes provision in relation to any agreement contained in a licence granted under section 36 of the 1946 Act (licensing by Corporation of certain coal-mining operations and of coal exploration), that provision may include such modifications of that agreement, together with such modifications for the purposes of section 25(3) of this Act, as the Secretary of State considers appropriate in consequence of the provisions of Parts II and III of this Act.
- (6) In this paragraph—
 - (a) references to a transfer include references to the creation in any person’s favour of any interest or right, and references to a transferee shall be construed accordingly; and
 - (b) references to a person who is entitled, in consequence of any transfer, to possession of a document, include references to the Corporation or any of its wholly-owned subsidiaries in a case where the Corporation or that subsidiary is entitled to retain possession of any document following any transfer.
- (7) Sub-paragraphs (2) to (5) above shall be without prejudice to the generality of sub-paragraph (1) above.

Marginal Citations

M1 1925 c. 20.

M2 1979 c. 33.

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