



Coal industry Act 1994

1994 CHAPTER 21

PART III

RIGHTS AND OBLIGATIONS IN CONNECTION WITH COAL MINING

Rights in relation to former copyhold land

49 Rights to work coal in former copyhold land

(1) Where—

- (a) any coal or coal mine is comprised in or lies under land which was formerly copyhold, and
- (b) a notice (“a relevant notice”) specifying the area in which that land is comprised—
 - (i) has been given in accordance with section 50 below and has come into force, or
 - (ii) has been published, before the restructuring date, in accordance with section 3 of the 1975 Act (which contains provision equivalent to the provision contained in this section),

the relevant person shall have the like right in relation to that coal or coal mine to carry on coal-mining operations to which section 25 above applies as if all retained interests in that coal or mine subsisting on 31st August 1975 were vested in him, notwithstanding that they are, by virtue of any enactment, in fact vested in another person.

(2) For the purposes of this section the relevant person, in relation to any relevant notice, is—

- (a) in the case of a notice given in accordance with section 50 below, the person who gave the notice; and
- (b) in the case of a notice published in accordance with section 3 of the 1975 Act, the Corporation.

(3) In so far as—

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- (a) a person other than the relevant person is for the time being a licensed operator in relation to the coal or mine which is comprised in, or lies under, the land comprised in the area specified in a relevant notice, and
- (b) compensation under Part I of Schedule 7 to this Act or, in relation to times before the restructuring date, under section 3(4) of the 1975 Act either—
 - (i) has become due in respect of any retained interest affected by that notice and has been paid in full, or
 - (ii) would have become due in respect of such an interest but for an agreement under paragraph 8 of Schedule 7 to this Act or paragraph 8 of Schedule 2 to the 1975 Act,

the person mentioned in paragraph (a) above shall be entitled (instead of the relevant person) to exercise the relevant person's rights by virtue of subsection (1) above.

- (4) In the case of any licensed operator who is entitled by virtue of this section to carry on any coal-mining operations in relation to any coal or coal mine, the rights comprised in his entitlement shall also be exercisable by any person authorised as mentioned in section 27(4) above to act on his behalf in the carrying on of any of the operations which the operator is authorised to carry on.
- (5) Nothing in this section shall confer any such right as is mentioned in section 9(1)(b) above or be taken to authorise a contravention of section 25(1) above or of any of the conditions of a licence under Part II of this Act; and the rights that are conferred on the Corporation by this section shall have effect subject to any transfer of those rights, in accordance with any restructuring scheme, to any other person.
- (6) A notice given for the purposes of this section at any time on or after the restructuring date shall come into force when particulars of it are first registered by the Authority in accordance with section 56 below.
- (7) Schedule 7 to this Act shall have effect with respect to compensation and certain other matters in cases in which a relevant notice is given or has been published.
- (8) In this section and section 50 below and in Schedule 7 to this Act "retained interest" means any retained interest within the meaning of the Coal Act 1938.
- (9) Subject to the preceding provisions of this section, the rights conferred on the Corporation by section 3 of the 1975 Act shall not be exercisable at any time on or after the restructuring date.

50 Notices under section 49

- (1) This section applies with respect to the giving of a notice for the purposes of section 49 above at any time on or after the restructuring date.
- (2) The only person who may give the notice is a person who is authorised by a licence under Part II of this Act or by virtue of section 25(3) above to carry on coal-mining operations in the area specified in the notice.
- (3) The notice—
 - (a) shall indicate the land to which it relates either by reference to a map or in any other manner which, in the circumstances, is sufficient to identify it;
 - (b) shall identify the person by whom the notice is given and summarise the respects in which the requirements of subsection (2) above are satisfied in relation to that person;

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- (c) shall state that there are proposals to carry on coal-mining operations in relation to any coal or coal mine which may require the exercise in relation to that land of such a right as is mentioned in section 49(1) above; and
 - (d) shall invite the owners of retained interests in any coal or coal mine comprised in or lying under the land in the area to which the notice relates to give notice of their interests, within the period which begins with the date of the first publication of the notice in accordance with subsection (4) below and ends six years after the coming into force of the notice in accordance with section 49(6) above, to the person who gave the notice.
- (4) The notice shall be given by being published—
- (a) in the London Gazette; and
 - (b) at least once in each of two successive weeks, in newspapers circulating in the locality where the land to which the notice relates is situated.