



Control of Pollution Act 1974

1974 CHAPTER 40

[^{F1}PART IA

ABANDONED MINES

[^{F1}30Y Introductory.

- (1) For the purposes of this Part, “abandonment”, in relation to a mine,—
- (a) subject to paragraph (b) below, includes—
- (i) the discontinuance of any or all of the operations for the removal of water from the mine;
 - (ii) the cessation of working of any relevant seam, vein or vein-system;
 - (iii) the cessation of use of any shaft or outlet of the mine;
 - (iv) in the case of a mine in which activities other than mining activities are carried on (whether or not mining activities are also carried on in the mine)—
 - (A) the discontinuance of some or all of those other activities in the mine; and
 - (B) any substantial change in the operations for the removal of water from the mine; but
- (b) does not include—
- (i) the abandonment of any rights, interests or liabilities by the Accountant in Bankruptcy acting as [^{F2}trustee] or interim trustee in a sequestration (within the meaning of the Bankruptcy (Scotland) Act [^{F3}2016]); ^{F4} ...
 - (ii) any disclaimer under section 178 or 315 of the ^{M1}Insolvency Act 1986 (power of liquidator, or trustee of bankrupt’s estate, to disclaim onerous property) by the official receiver acting in a compulsory capacity; [^{F5}or
 - (iii) any disclaimer by notice signed by the Queen's and Lord Treasurer's Remembrancer under section 1013 of the Companies Act 2006 (Crown disclaimer of property vesting as *bona vacantia*).]

Changes to legislation: There are currently no known outstanding effects for the Control of Pollution Act 1974, Section 30Y. (See end of Document for details)

and cognate expressions shall be construed accordingly.

(2) In this Part, except where the context otherwise requires—

“acting in a compulsory capacity”, in the case of the official receiver, means acting as—

- (a) liquidator of a company;
- (b) receiver or manager of a bankrupt’s estate, pursuant to section 287 of the ^{M2}Insolvency Act 1986;
- (c) trustee of a bankrupt’s estate;
- (d) liquidator of an insolvent partnership;
- (e) trustee of an insolvent partnership;
- (f) trustee, or receiver or manager, of the insolvent estate of a deceased person;

“the official receiver” has the same meaning as it has in the ^{M3}Insolvency Act 1986 by virtue of section 399(1) of that Act;

“relevant seam, vein or vein-system”, in the case of any mine, means any seam, vein or vein-system for the purpose of, or in connection with, whose working any excavation constituting or comprised in the mine was made.

(3) This Part extends only to Scotland.]

Textual Amendments

- F1** Pt. IA (ss. 30Y, 30Z) inserted (12.10.1995 for specified purposes otherwise 1.1.1999) by 1995 c. 25, s. 59 (with ss. 7(6), 115, 117); S.I. 1995/2649, art. 2(i); S.I. 1998/3272, art. 2
- F2** Word in s. 30Y(1)(b)(i) substituted (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, Sch. 1 para. 2(2)(a)
- F3** Word in s. 30Y(1)(b)(i) substituted (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, Sch. 1 para. 2(2)(b)
- F4** Word in s. 30Y(1)(b)(i) repealed (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 16(3)(a); S.S.I. 2014/160, art. 2(1)(2), Sch.
- F5** S. 30Y(1)(b)(iii) and preceding word inserted (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), Sch. 3 para. 16(3)(b); S.S.I. 2014/160, art. 2(1)(2), Sch.

Modifications etc. (not altering text)

- C1** S. 30Y modified (1.4.1996) by 1995 c. 25, s. 33(5)(b) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3

Marginal Citations

- M1** 1986 c. 45.
- M2** 1986 c. 45.
- M3** 1986 c. 45.

Changes to legislation:

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