



Coal Industry Act 1990

1990 CHAPTER 3

An Act to make new provision with respect to grants by the Secretary of State to the British Coal Corporation and further provision with respect to grants and loans under existing powers; and to make provision as to the licensing of coal working, searching and boring and the preservation of amenity in connection with opencast coal working. [19th March 1990]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Deficiency grants to British Coal Corporation

- (1) The Secretary of State may, with the approval of the Treasury, make grants to the British Coal Corporation out of money provided by Parliament of amounts not exceeding in aggregate any accumulated group deficit at the end of the financial year of the Corporation ending in March 1990.
- (2) For the purposes of this section, the Secretary of State shall give a direction under section 8(1) of the Coal Industry Act 1971 requiring the Corporation to prepare consolidated accounts for that financial year in such form as to identify any accumulated group deficit at the end of that year, disregarding any grant which may at any time be paid under this section; and in this section “accumulated group deficit” means the amount so identified.
- (3) Grants under subsection (1)—
 - (a) may be made subject to such conditions as the Secretary of State may with the approval of the Treasury determine; and
 - (b) may be made in advance of the preparation of the accounts mentioned in subsection (2), if the Secretary of State is satisfied that those accounts will show an accumulated group deficit exceeding the aggregate amount of the grants made under this paragraph.

2 Grants for workforce redeployment and reduction

- (1) Section 3 of the Coal Industry Act 1987 (which enables grants to be made to the British Coal Corporation towards expenditure on workforce redeployment and reduction etc. in respect of costs falling to be charged to certain accounts in respect of relevant financial years) shall have effect subject to the following amendments.
- (2) In subsection (4)(a) (which defines “relevant financial year” as any financial year ending not later than March 1992) for “1992” there shall be substituted “1993”.
- (3) In subsection (6) (which imposes a limit of £300 million on the aggregate amount of the grants, subject to increase by order up to £750 million) for “£300” and “£750” there shall be substituted respectively “£1,250” and “£1,500”.

3 Repayment of loans to British Coal Corporation

In subsection (5) of section 2 of the Coal Industry Act 1980 (which provides that the Secretary of State must pay into the Consolidated Fund sums received by him under that section in respect of certain loans to the British Coal Corporation) for the words “under this section” there shall be substituted the words “by virtue of any such direction”; and at the end of that subsection there shall be added the words “but any other sums received by him in respect of a sum lent by virtue of this section may be applied by him under subsection (1) above as money provided by Parliament”.

4 Licensing of coal working, searching and boring

- (1) In subsection (2) of section 36 of the Coal Industry Nationalisation Act 1946 (licensing by the British Coal Corporation of the working and getting by other persons of certain descriptions of coal)—
 - (a) for paragraph (a) there shall be substituted—
 - “(a) coal which, in accordance with the licence, is to be worked at a mine (within the meaning of the Mines and Quarries Act 1954) with respect to which the Corporation are satisfied that the number of persons employed to work below ground there is at no time likely to exceed, or greatly to exceed, 150”; and
 - (b) in paragraph (c) (coal to be worked by opencast operations where the Corporation is satisfied production is unlikely to exceed 25,000 tonnes) for “twenty-five thousand” there shall be substituted “250,000”.
- (2) After subsection (2) of that section there shall be inserted—
 - “(2A) A licence may be granted by the Corporation, either unconditionally or subject to any conditions specified in the licence, and either irrevocably or subject to revocation as therein specified, for the searching and boring for coal in any area for a specified period—
 - (a) with a view to a licence under subsection (2) of this section subsequently being granted as respects coal in that area or any part of it; or
 - (b) in connection with an existing licence under that subsection as respects coal in that area;
 and section 1(2)(a) of this Act shall not render unlawful anything done in accordance with such a licence.”.

- (3) In subsection (3) of that section (which contains further provisions about the grant of licences under subsection (2) and the conditions which may be specified in them)—
 - (a) for the words “under the last preceding subsection” there shall be substituted the words “under this section”;
 - (b) after the words “working and getting” there shall be inserted the words “or, as the case may be, searching and boring”; and
 - (c) for the words “and conditions” there shall be substituted the words “and, in the case of a licence under subsection (2) of this section,”.
- (4) In section 1(2)(a) of that Act (functions of the Corporation to include searching and boring for coal in Great Britain to the exclusion of any other person) after the word “exclusion” there shall be inserted “(save as in this Act provided)”.
- (5) In paragraph 3(1) of the Table in section 1 of the Mines (Working Facilities and Support) Act 1966 (which enables the court to confer on the British Coal Corporation a right to search and bore for coal) after the word “Corporation” there shall be inserted “(exercisable either by the Corporation or by any person to whom they grant a licence under section 36(2A) of the Coal Industry Nationalisation Act 1946 to search and bore for the coal) or on any person who holds such a licence”.

5 Opencast coal working: conservation requirements

For section 3 of the Opencast Coal Act 1958 (preservation of amenity) there shall be substituted—

“3 Preservation of amenity

In formulating any proposals as to the working of coal by opencast operations or the carrying out of operations incidental to such working or the restoration of land affected by such working or by such incidental operations, the British Coal Corporation (in this Act referred to as “the Corporation”) or any person who holds or is applying for a licence under section 36(2) of the Coal Industry Nationalisation Act 1946—

- (a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and
- (b) shall so far as possible ensure that the proposals include measures to mitigate any adverse effect which the proposed activities may have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.”.

6 Citation, commencement and extent

- (1) This Act may be cited as the Coal Industry Act 1990, and the Coal Industry Acts 1946 to 1985, the Coal Industry Act 1987 and this Act may be cited together as the Coal Industry Acts 1946 to 1990.
- (2) Section 4 shall come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) This Act does not extend to Northern Ireland.