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Coal Industry Act 1994

CHAPTER 21

COAL INDUSTRY ACT 1994

PART I

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The Coal Authority

- 1 Establishment of the Coal Authority.
- 2 Duties of the Authority with respect to licensing.
- 3 Duties of the Authority with respect to property.
- 4 Duty of the Authority with respect to safety.
- 5 General powers of the Authority.
- 6 Directions to the Authority by the Secretary of State.

The Corporation's exploitation rights

- 7 Exploitation rights: general.
- 8 Exploitation rights: territorial waters and continental shelf.
- 9 Exploitation rights: oil and gas.
- 10 Protection for certain interests in coal and coal mines.

Restructuring of the Corporation's undertaking

- 11 Restructuring of the Corporation's functions.
- 12 Restructuring schemes in relation to property etc.
- 13 Agreements with respect to restructuring schemes.
- 14 Duty to assist in preparation of restructuring schemes.

The Corporation's successors

- 15 Financial structure of successor companies.

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- 16 Target investment limit for Government holding in successor companies.

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- 17 Grant-making powers.
18 Residual payments grant.
19 Concessionary coal.
20 Extinguishment of loans to the Corporation.
21 Taxation effects of restructuring.
22 Pensions and miners' welfare organisations.

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- 23 Reduction in membership and dissolution of the Corporation.

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- 24 Abolition of the Domestic Coal Consumers' Council.

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- 25 Coal-mining operations to be licensed.

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- 26 Grant of licences.
27 Authorisation contained in licence.
28 Conditions of licence: general.
29 Conditions for the provision of security.
30 Publication of licensing arrangements.

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- 31 Enforcement orders.
32 Procedural requirements for enforcement orders.
33 Validity and effect of enforcement orders.
34 Power to require information for the purposes of enforcement.

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- 35 Register of licences and orders.
36 Insolvency of licensed operators etc.

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Areas of responsibility

- 37 Areas of responsibility.

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- 38 Rights to withdraw support.

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- 39 Notices under section 38.
- 40 Savings for special cases.
- 41 Revocation of right to withdraw support.

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- 42 Subsidence damage to which 1991 Act applies.
- 43 Persons responsible for subsidence.
- 44 Cases where there is more than one responsible person.
- 45 Information to be provided by responsible persons.
- 46 The subsidence adviser.
- 47 Disputes etc. as to subsidence matters.
- 48 Offences with respect to subsidence information.

Rights in relation to former copyhold land

- 49 Rights to work coal in former copyhold land.
- 50 Notices under section 49.

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- 51 Additional rights in relation to underground land.

Opencast operations

- 52 Opencast operations.

Protection of the environment

- 53 Environmental duties in connection with planning.
- 54 Obligations to restore land affected by coal-mining operations.

Health and safety regulations as to rescue service

- 55 Health and safety regulations as to rescue service.

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- 56 Registration of rights.

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- 57 Public access to information held by the Authority.
- 58 Liability for inaccurate information furnished to the Authority.
- 59 Information to be kept confidential by the Authority.
- 60 Annual report of the Authority.
- 61 Report on financial assistance for coal-mining museums.

Supplemental

- 62 Financial provisions.
- 63 Provisions relating to the service of documents.
- 64 Offences by bodies corporate etc.
- 65 Interpretation.

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- 66 Crown application.
- 67 Amendments, transitional provisions, savings and repeals.
- 68 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — The Coal Authority Part I — ORGANISATION AND PROCEEDINGS

Membership

- 1 (1) Subject to the following provisions of this paragraph, a...

Remuneration, pensions etc.

- 2 (1) The Authority shall pay to its members such remuneration,...

Staff

- 3 (1) The Authority may, with the approval of the Secretary...

Proceedings of Authority

- 4 Subject to the following provisions of this Schedule, the Authority...

Delegation of powers

- 5 Anything authorised or required by or under any enactment to...

Interests of members

- 6 (1) A member of the Authority who is in any...

Vacancies and defective appointments

- 7 The validity of any proceedings of the Authority shall not...

Minutes

- 8 (1) Minutes shall be kept of proceedings of the Authority....

Application of seal and proof of instruments

- 9 (1) The application of the seal of the Authority shall...

The Parliamentary Commissioner

- 10 In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments...

Parliamentary disqualification etc.

- 11 In the House of Commons Disqualification Act 1975, in Part...

Interpretation

- 12 In this Part of this Schedule, “member”, in relation to...
Part II — FINANCIAL PROVISIONS

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Financial duties

- 13 (1) The Secretary of State may, after consultation with the...

Finances of the Authority

- 14 (1) The Secretary of State shall, in respect of each...

Accounts

- 15 (1) The Authority— (a) shall keep proper accounts and records...

SCHEDULE 2 — Restructuring schemes

Contents and effect of scheme

- 1 (1) This paragraph shall have effect as regards the manner...

Division of property by scheme

- 2 (1) For the purpose of making any such division as...

Property to which a scheme may relate

- 3 (1) The property, rights and liabilities that shall be capable...

Supplemental provisions of schemes

- 4 (1) A restructuring scheme may contain supplemental, incidental, consequential and...

Duties in relation to foreign property etc.

- 5 (1) A restructuring scheme may provide for the imposition of...

Modification of effect of scheme by agreement

- 6 (1) This paragraph applies where any person to whom anything...

The Transfer of Undertakings (Protection of Employment) Regulations 1981

- 7 (1) The 1981 regulations shall apply to any transfer of...

Compensation

- 8 (1) Where, in consequence of any provisions included in a...

Notice to persons affected by scheme

- 9 (1) It shall be the duty of the Secretary of...

SCHEDULE 3 — Financial structure of successor companies

Meaning of “relevant successor company”

- 1 In this Schedule “relevant successor company” means any successor company...

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Initial Government holding in companies

- 2 (1) As a consequence of the vesting in a relevant...

Government investment in companies

- 3 (1) Subject to section 16 of this Act, the Treasury...

Exercise of functions through nominees

- 4 (1) The Treasury or, with the consent of the Treasury,...

Payment of dividends etc. into Consolidated Fund

- 5 Any dividends or other sums received by the Treasury or...

Distributable reserves of companies

- 6 (1) Where statutory accounts of a relevant successor company prepared...

Temporary restrictions on borrowing of companies

- 7 (1) If articles of association of a relevant successor company...

Government lending to the companies

- 8 (1) Subject to the following provisions of this Schedule, the...

Treasury guarantees for loans made to companies

- 9 (1) Subject to the following provisions of this Schedule, the...

Limit on Government financial assistance for companies

- 10 The aggregate of— (a) any amounts outstanding by way of...

SCHEDULE 4 — Taxation Provisions
Part I — CORPORATION TAX

Interpretation of Part I

- 1 (1) Subject to paragraph 24 below, in this Part of...

Chargeable gains: general

- 2 (1) For the purposes of the 1992 Act, where there...

Chargeable gains: compensation and insurance money

- 3 (1) Subsections (4) and (5) of section 23 of the...

Chargeable gains: section 30 of the 1992 Act

- 4 Section 30 of the 1992 Act (tax-free benefits) shall not...

Chargeable gains: section 41 of the 1992 Act

- 5 Subject to paragraph 21 below, section 174(1) of the 1992...

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Chargeable gains: options

- 6 (1) Where in the case of any relevant transfer the...

Chargeable gains: roll-over relief

- 7 (1) Where, apart from this sub-paragraph— (a) the predecessor would...

Chargeable gains: group transactions

- 8 (1) For the purposes of section 179 of the 1992...

Chargeable gains: disposal of debts

- 9 (1) Where in the case of any relevant transfer—

Chargeable gains: assets held before 6th April 1965

- 10 Schedule 2 to the 1992 Act (assets held on 6th...

Transfers of trading stock

- 11 (1) For the purposes of the Corporation Tax Acts if,...

Transfer of rights to receipts

- 12 Where by virtue of any relevant transfer there is transferred...

Transfer of liabilities

- 13 (1) If, by virtue of any relevant transfer, there is...

Losses to be retained by the predecessor

- 14 (1) Notwithstanding anything in the preceding provisions of this Part...

Section 35 of the 1988 Act

- 15 (1) Section 35 of the 1988 Act (charge on lease...

Group relief

- 16 The existence of the powers of the Secretary of State...

Special provision for successor companies

- 17 (1) Where— (a) by virtue of any relevant transfer any...

Leased assets

- 18 (1) For the purposes of section 781 of the 1988...

Continuity in relation to capital allowances etc. where trade transferred

- 19 (1) Subject to the following provisions of this Part of...

Capital allowances in cases where paragraph 19 does not apply

- 20 (1) Subject to paragraph 21 below, the Capital Allowances Acts...

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Capital allowances in cases where interests created by restructuring scheme

21 (1) This paragraph shall apply where— (a) an interest or...

Capital allowances for machinery and plant: connected persons

22 For the purposes of Part II of the 1990 Act...

Exchange gains and losses

23 (1) This paragraph shall apply where— (a) in consequence of...

Transfers of property in coal and lease back etc.

24 (1) Subject to the following provisions of this paragraph—

Modifications of restructuring scheme

25 Where the effect of any restructuring scheme is modified in...
Part II — STAMP DUTY AND STAMP DUTY RESERVE TAX

Transactions attracting exemptions

26 For the purposes of this Part of this Schedule a...

Stamp duty

27 (1) Subject to sub-paragraph (2) below, an exempt transaction shall...

Stamp duty reserve tax

28 (1) No agreement for the purposes of, or for purposes...

SCHEDULE 5 — Pensions Provision in connection with Restructuring

Interpretation of Schedule

1 (1) In this Schedule— “assets”, in relation to any existing...

Modification of existing schemes

2 (1) The Secretary of State may by regulations make provision...

Replacement schemes for employees transferred to the private sector etc.

3 (1) The Secretary of State may by regulations make such...

Protection for rights under private sector schemes

4 (1) This paragraph applies to— (a) any scheme established in...

General provisions

5 (1) Every power of the Secretary of State to make...

SCHEDULE 6 — Further modifications of the 1991 Act

1 (1) Where— (a) a damage notice is received by a...
2 Section 8(9) of the 1991 Act (grounds for refusing request...
3 (1) In relation to times on or after the restructuring...

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- 4 The reference in section 15 of the 1991 Act (recipients...
- 5 In relation to any regulations made on or after the...
- 6 Section 43(1) of this Act shall require the second reference...
- 7 On and after the restructuring date sections 37, 38, 40...
- 8 On and after the restructuring date sections 46 and 47...
- 9 The provisions of section 44 of this Act, so far...
- 10 On and after the restructuring date, section 49 of the...
- 11 Paragraph 1(1) of Schedule 2 to the 1991 Act (payment...
- 12 Section 43(1) of this Act shall not apply to the...

SCHEDULE 7 — Retained Interests in Copyhold Land

Part I — CLAIMS IN RESPECT OF RETAINED INTERESTS

Application of Part I

- 1 (1) This Part of this Schedule shall apply where, at...

Form of claim

- 2 The claimant shall furnish, together with the retained interest notice,...

Acceptance or rejection of claim

- 3 (1) Within the period of three months beginning with the...

Payment of costs of establishing claim

- 4 Subject to paragraph 5 below, as soon as practicable after...

Challenge of rejection notice

- 5 (1) A claimant who— (a) has served a retained interest...

Compensation

- 6 (1) Subject to paragraphs 7 and 11 below, where—

Persons entitled to compensation

- 7 (1) Subject to paragraph 5 above, it shall be conclusively...

Agreements with respect to compensation

- 8 (1) If at any time— (a) after an acceptance notice...

Notice of compensation

- 9 (1) Where any person— (a) makes a payment of compensation...

Part II — OTHER PROVISIONS

Saving for rights to dispose of retained interests

- 10 Subject to paragraph 8(3) above and to any provision applied...

Pre-1975 Act orders under the Mines (Working Facilities and Support) Act 1966

- 11 (1) If— (a) by virtue of an order under section...

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Transitional provisions

12 (1) On and after the restructuring date, the following provisions...

SCHEDULE 8 — Amendments of the Opencast Coal Act 1958

Introduction

1 The Opencast Coal Act 1958 shall be amended as follows....

Power to make compulsory rights orders

2 (1) In subsection (1) of section 4 (compulsory rights order)—...

Effect of orders

3 (1) In subsection (2) of section 5 (effect of order),...

Limitations on effect of orders

4 In section 7 (rights not affected by order)—

Limited compulsory rights orders

5 In subsection (3)(b) of section 8 (modification of section 5(4))—...

Provisions as to other minerals, timber, crops, etc.

6 In subsections (1) to (3) of section 10 (rights in...

Registration of orders in Scotland

7 In section 11(4) (registration in the register of sasines)—

Removal of chattels from land

8 (1) In subsection (1) of section 12 (rights to remove...

Apparatus of statutory undertakers

9 Section 13 (effect in relation to apparatus of statutory undertakers...

Agricultural tenancies in England and Wales

10 In section 14(6) (arbitration under section 12 of the Agricultural...

Agricultural tenancies in Scotland

11 (1) In subsection (6)(a) of section 14A (modification of section...

Suspension of rights of way

12 (1) In subsection (1) of section 15 (orders for suspension...

Supplementary provisions about suspension of rights of way

13 (1) In subsection (1) of section 15A (supplementary provisions in...

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Orders conferring rights for drainage or water supply purposes

14 (1) In subsections (1) and (2) of section 16 (orders...

Annual compensation

15 (1) In subsection (1) of section 17 (general provisions as...

Calculation of compensation

16 In relation to any compulsory rights order confirmed on or...

17 Sections 19 and 20 (additional annual compensation and special compensation...

Terminal compensation

18 In section 21(1) (terminal compensation), for “by the Corporation in...

Compensation in respect of agricultural land

19 (1) In section 23A (compensation with a view to furthering...

Compensation for short term improvements etc.

20 (1) In subsection (1) of section 26 (compensation in respect...

Compensation in respect of forced sales

21 (1) In subsection (1) of section 27 (compensation for forced...

Compensation: definition of holding

22 (1) In subsection (1) of section 29 (definition of holding...

Compensation in respect of easements and other rights

23 (1) In subsection (2) of section 31 (annual compensation in...

Compensation in respect of disposable minerals

24 (1) After section 31, there shall be inserted the following...

Compensation for depreciation of land in same ownership

25 (1) In subsection (2) of section 32 (annual compensation in...

Time when compensation accrues

26 (1) In subsection (1) of section 35 (introduction to provisions...

Records of condition of land

27 (1) In subsection (1) of section 36 (records of condition...

Protection of land from compulsory purchase

28 In section 38 (exclusion from compulsory purchase order of land...

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Entry on land

29 (1) In subsection (1) of section 39 (designation of land...

Claims for compensation

30 (1) In subsection (1) of section 40 (claims for compensation)—...

Compensation in respect of property held for religious purposes

31 (1) In subsection (1) of section 42 (compensation payable in...

Provision in respect of mortgaged land

32 In section 43 (compensation provisions applying to mortgaged land),
the...

Crown land

33 In section 44 (Crown land)— (a) in subsection (1), for...

Telecommunication apparatus

34 In section 45(2) (application of paragraph 23 of the
telecommunications...

Provisions as to regulations, orders etc.

35 After section 49(4) (general power to revoke and vary orders...

Interpretation

36 (1) In subsection (1) of section 51 (interpretation)—

Application to Scotland

37 In section 52(3) (construction of references to water authorities in...

Procedure for compulsory rights orders in Scotland

38 (1) In Part I of Schedule 2 (making, confirmation, validity...

Other provisions with respect to the procedure for compulsory rights orders

39 (1) In paragraph 13 of Part II of Schedule 2...

Compensation by way of payment for costs of works

40 (1) In Schedule 3 (terminal compensation by way of payment...

Compensation in respect of minerals

41 For paragraph 2 of Schedule 5 (compensation in respect of...

Application of Schedule 6 to Scotland

42 (1) In paragraph 1(2) of Schedule 6 (changes in right...

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Tenancies of allotment gardens and other allotments

43 (1) In paragraph 3 of Schedule 8 (compensation for termination...

SCHEDULE 9 — Minor and Consequential Amendments

The Land Registration Act 1925 (c. 21)

1 (1) Any interest in land consisting in an interest in...

The Requisitioned Land and War Works Act 1945 (c. 43)

2 In section 34(1) of the Requisitioned Land and War Works...

The Statistics of Trade Act 1947 (c. 39)

3 In section 9 of the Statistics of Trade Act 1947,...

The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42)

4 After section 6 of the Acquisition of Land (Authorisation Procedure)...

The Landlord and Tenant Act 1954 (c. 56)

5 In the definition of “statutory undertakers” in section 69(1) of...

The Public Records Act 1958 (c. 51)

6 In Part II of the Table in paragraph 3 of...

The Public Health Act 1961 (c. 64)

7 In the fourth item in the Table in Schedule 4...

The Licensing Act 1964 (c. 26)

8 In section 56(3) of the Licensing Act 1964 (definition of...

The Gas Act 1965 (c. 36)

9 In section 13(8) of the Gas Act 1965 (exclusion of...

The Mines (Working Facilities and Support) Act 1966 (c. 4)

10 (1) In the Table in section 1 of the Mines...

The Land Commission Act 1967 (c. 1)

11

The Gaming Act 1968 (c. 65)

12 In section 52(2) of the Gaming Act 1968 (definition of...

The Town and Country Planning (Scotland) Act 1972 (c. 52)

13

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The Fair Trading Act 1973 (c. 41)

14 In section 133(2) of the Fair Trading Act 1973 (exceptions...

The Consumer Credit Act 1974 (c. 39)

15 In section 174(3) of the Consumer Credit Act 1974 (exceptions...

The Welsh Development Agency Act 1975 (c. 70)

16 In section 27(1) of the Welsh Development Agency Act 1975...

The Restrictive Trade Practices Act 1976 (c. 34)

17 In section 41(1) of the Restrictive Trade Practices Act 1976...

The Local Government (Miscellaneous Provisions) Act 1976 (c.57)

18 (1) In section 15(3) of the Local Government (Miscellaneous Provisions)...

The Development of Rural Wales Act 1976 (c. 75)

19

The Land Registration (Scotland) Act 1979 (c. 33)

20 In section 28(1) of the Land Registration (Scotland) Act 1979...

The Estate Agents Act 1979 (c. 38)

21 In section 10(3) of the Estate Agents Act 1979 (exceptions...

The Ancient Monuments and Archaeological Areas Act 1979 (c.46)

22 In section 61(2)(b) of the Ancient Monuments and Archaeological Areas...

The Competition Act 1980 (c. 21)

23 (1) In subsection (2) of section 19 of the Competition...

The Overseas Development and Co-operation Act 1980 (c. 63)

24

The Local Government, Planning and Land Act 1980 (c. 65)

25 (1) In paragraph (b) of the definition of “statutory undertakers”...

The Highways Act 1980 (c. 66)

26 In section 290 of the Highways Act 1980 (supplementary provisions...

The Acquisition of Land Act 1981 (c. 67)

27 (1) In section 17(4) of the Acquisition of Land Act...

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The Civic Government (Scotland) Act 1982 (c. 45)

28 In section 123(1) of the Civic Government (Scotland) Act 1982...

The National Audit Act 1983 (c. 44)

29 In Part I of Schedule 4 to the National Audit...

The Road Traffic Regulation Act 1984 (c. 27)

30 In paragraph 3 of Schedule 5 to the Road Traffic...

The Roads (Scotland) Act 1984 (c. 54)

31 In section 140 of the Roads (Scotland) Act 1984 (right...

The Companies Act 1985 (c. 6)

32 The Companies Act 1985 shall have effect in relation to...

The Housing Act 1985 (c. 68)

33 In section 573(1) of the Housing Act 1985 (meaning of...

The Weights and Measures Act 1985 (c. 72)

34 In paragraph 28 of Schedule 5 to the Weights and...

The Agricultural Holdings Act 1986 (c. 5)

35 Paragraph 8(1)(a) of Part II of Schedule 3 to the...

The Coal Industry Act 1987 (c. 3)

36 In section 5 of the Coal Industry Act 1987 (coal...

The Housing Act 1988 (c. 50)

37 In paragraph 4(b) of Part I of Schedule 9 to...

The Electricity Act 1989 (c. 29)

38 (1) In subsection (2) of section 57 of the Electricity...

The Town and Country Planning Act 1990 (c. 8)

39 (1) In section 253(2)(a) of the Town and Country Planning...

The Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

40 Section 85 of the Planning (Listed Buildings and Conservation Areas)...

The Coal Mining Subsidence Act 1991 (c. 45)

41 (1) In subsection (7) of section 27 of the 1991...

The Water Industry Act 1991 (c. 56)

42 In paragraph 1(5) of Schedule 13 to the Water Industry...

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The Water Resources Act 1991 (c. 57)

43 (1) In paragraph 1(4) of Schedule 22 to the Water...

The Land Drainage Act 1991 (c. 59)

44 In paragraph 1(1) of Schedule 6 to the Land Drainage...

The Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

45 In section 161(7) of the Leasehold Reform, Housing and Urban...

SCHEDULE 10 — Transitional Provisions and Savings

General saving for repeal of the Coal Act 1938

1 Where this Act repeals any provisions of the Coal Act...

Deemed acknowledgments under section 14(3) of the Coal Act 1938

2 The repeal by this Act of subsection (3) of section...

Restrictions under section 33 of the Coal Act 1938

3 (1) Notwithstanding the repeal by this Act of section 33...

Rights saved by section 34 of the Coal Act 1938

4 (1) Neither the repeal by this Act of section 34...

Saving for rights under section 43(6) of the Coal Act 1938

5 The repeal by this Act of section 43 of the...

Licences under section 36 of the 1946 Act

6 As well as being subject to the savings in section...

Repeal of section 41 of the 1946 Act

7 The repeal by this Act of section 41 of the...

Repeal of the Miners' Welfare Act 1952

8 The repeal by this Act of the Miners' Welfare Act...

Opencast coal

9 (1) Where any compulsory rights order has been made under...

Offshore coal adjacent to the Isle of Man

10 (1) On and after the restructuring date the rights in...

Coal industry trusts and other social welfare bodies

11 The repeal by this Act of section 6 of the...

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Interests affected by planning proposals: blight

12 (1) The repeals made by this Act in paragraph 1(a)(i)...

Subsidence

13 (1) Without prejudice to section 1(2) of the 1991 Act,...

SCHEDULE 11 — Repeals

Part I — REPEALS COMING INTO FORCE ON THE PASSING OF THIS ACT

Part II — REPEALS COMING INTO FORCE ON THE RESTRUCTURING DATE

Part III — REPEALS COMING INTO FORCE ON AN APPOINTED DAY

Part IV — REPEALS COMING INTO FORCE ON THE DISSOLUTION DATE

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