



Coal Industry Act 1994

1994 CHAPTER 21

PART IV

GENERAL AND SUPPLEMENTAL

Information provisions

57 Public access to information held by the Authority.

- (1) This section applies to the information contained in any register maintained by the Authority under section 35 or 56 above and to any of the following information which is for the time being in the possession of the Authority, that is to say—
- (a) information about the geological or physiographical features or characteristics of any land in which any unworked coal or any coal mine is situated or of any other land;
 - (b) information about the identity of the persons in whom interests and rights in or in relation to any unworked coal or any coal mine have been vested;
 - (c) the contents of the plans of any coal mines or coal workings;
 - (d) any other information about proposals for the carrying on by any person of any coal-mining operations;
 - (e) information about any subsidence or subsidence damage or about claims made under the 1991 Act; and
 - (f) information about such other matters as the Secretary of State may by regulations prescribe for the purposes of this section.
- (2) Subject to subsections (3) and (4) below, it shall be the duty of the Authority to establish and maintain arrangements under which every person is entitled, in such cases, on payment to the Authority of such fee and subject to such other conditions as the Authority may consider appropriate—
- (a) to be furnished with any information to which this section applies;
 - (b) to have the contents of so much of the records maintained by the Authority as contains any information to which this section applies made available to

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- him, at such office of the Authority as it may determine, for inspection at such times as may be reasonable; and
- (c) to make or be supplied with copies of, or of extracts from, so much of the records maintained by the Authority as contains any information to which this section applies.
- (3) Subject to subsection (5) below, nothing in this section shall require or authorise the disclosure by the Authority of any information which—
- (a) relates to the affairs of an individual or specifically to the affairs of any body of persons (whether corporate or unincorporate), including the Authority itself, and
- (b) is not contained in a register maintained under section 35 or 56 above, if the disclosure of that information would or might, in the opinion of the Authority, seriously and prejudicially affect the interests of that individual or, as the case may be, of that body.
- (4) Subject to subsection (5) below, nothing in this section shall require or authorise the disclosure by the Authority, without the consent of the person to whom the Authority owes the obligation of confidence, of any information which—
- (a) has been furnished to the Authority—
- (i) in pursuance of the provisions of a licence under Part II of this Act;
- (ii) in pursuance of any provisions of an agreement entered into in connection with, or with any proposals for, the carrying on of any activities in the course of any exploration for coal or of any activities for which a licence under [F1 section 3 of the Petroleum Act 1998] is required; or
- (iii) for the purposes of any application to the Authority for the grant of a licence under Part II of this Act, for the making of such an agreement or for the transfer or creation of any interests or rights in or in relation to any land;
- and
- (b) under the provisions of the licence under Part II of this Act, of that agreement or of any undertaking given by the Authority to the applicant for the purposes of that application, is to be treated as subject to an obligation of confidence owed by the Authority to any other person.
- (5) The information that is to be excluded by virtue of subsections (3) and (4) above from the information which is to be made available to any person in pursuance of arrangements under this section shall not include any information of a description that appears to the Authority to comprise information relating to matters which are or may be relevant to the safety of members of the public or of any particular individual or individuals other than the person whose consent is required for its disclosure.
- (6) For the purposes of this section it shall be the duty of the Authority to maintain such records as it considers appropriate of any information which comes into its possession and is information to which this section applies.
- (7) The power to make regulations for the purposes of this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section “records” includes registers, maps, plans and accounts, as well as computer records and other records kept otherwise than in documentary form.

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Textual Amendments

- F1** Words in s. 57(4)(a)(ii) substituted (15.2.1999) by 1998 c. 17, ss. 50, 52(4), **Sch. 4 para. 38(4)**; S.I. 1999/161, **art. 2(1)**

58 Liability for inaccurate information furnished to the Authority.

- (1) This section applies where the conditions of a licence under Part II of this Act contain provision stating—
 - (a) that information of a specified description which is furnished to the Authority in pursuance of the conditions of the licence may be disclosed by the Authority for specified purposes in pursuance of arrangements under section 57 above; and
 - (b) that any information of that description that is disclosed by the Authority for any of those purposes is to be treated, for the purposes of this section, as information whose accuracy the operator has undertaken to secure.
- (2) The licensed operator shall owe a duty to the Authority and to every person likely to be affected by any inaccuracy in information disclosed by the Authority for any of the specified purposes to exercise all due diligence to secure—
 - (a) that the Authority is furnished, in accordance with the conditions of the licence, with all the information of the specified descriptions which the operator is required by those conditions to furnish to the Authority; and
 - (b) that the information of those descriptions which is furnished by the operator to the Authority is accurate in every material particular.
- (3) Where a duty is owed by any person to another person by virtue of subsection (2) above, any breach of that duty which causes that other person to sustain loss or damage shall be actionable against the person in breach at the suit or instance of the other person.
- (4) A person shall not be liable for any breach of a duty mentioned in subsection (2) above except—
 - (a) in respect of a disclosure of information made by the Authority for a specified purpose; and
 - (b) to the Authority or the person to whom the disclosure was made.
- (5) This section shall be without prejudice to the liability of any person for breach of the duty to comply with an enforcement order (within the meaning of Part II of this Act).

59 Information to be kept confidential by the Authority.

- (1) Subject to the following provisions of this section, it shall be the duty of the Authority to establish and maintain such arrangements as it considers best calculated to secure that information which—
 - (a) is in the Authority's possession in consequence of either the carrying out of any of its functions or the transfer to the Authority, in accordance with a restructuring scheme, of any records, and
 - (b) relates to the affairs of any individual or to any particular business,

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is not, during the lifetime of that individual or so long as that business continues to be carried on, disclosed to any person without the consent of that individual or, as the case may be, of the person for the time being carrying on that business.

(2) Nothing in subsection (1) above shall authorise or require the making of arrangements which prevent the disclosure of information—

- (a) for the purpose of facilitating the carrying out by the Secretary of State, the Treasury or the Authority of any of his, their or, as the case may be, its functions under this Act;
- (b) in pursuance of arrangements made under section 57 above;
- (c) for the purpose of facilitating the carrying out by any relevant authority of any of the functions in relation to which it is such an authority;
- (d) in connection with the investigation of any criminal offence or for the purposes of criminal proceedings;
- (e) for the purposes of any civil proceedings brought under this Act or any relevant enactment, of any proceedings before the Lands Tribunal or the Lands Tribunal for Scotland under the 1991 Act or of any arbitration for which provision is made by regulations under section 47(2) above; or
- (f) in pursuance of any Community obligation.

(3) For the purposes of this section—

- (a) every Minister of the Crown and local weights and measures authority in Great Britain is a relevant authority in relation to his or, as the case may be, their functions under any relevant enactment;
- (b) the Secretary of State and the Treasury are relevant authorities in relation to their functions under the ^{M1}Financial Services Act 1986 and the enactments relating to companies, insurance companies and insolvency;
- (c) an inspector appointed under the enactments relating to companies, an official receiver and any recognised professional body for the purposes of section 391 of the ^{M2}Insolvency Act 1986 are relevant authorities in relation to their functions as such;
- (d) every enforcing authority, within the meaning of Part I of the ^{M3}Health and Safety at Work etc. Act 1974, is a relevant authority in relation to its functions under any relevant statutory provision, within the meaning of that Act; and
- (e) the following are relevant authorities in relation to all of their functions, that is to say—
 - (i) the Comptroller and Auditor General;
 - (ii) the Health and Safety Executive and the Health and Safety Commission;
 - (iii) the National Rivers Authority;
 - (iv) the [^{F2}Competition Commission];
 - (v) the Director General of Fair Trading and the Director General of Electricity Supply;
 - [^{F3}(vi) the Scottish Environment Protection Agency.]

(4) In subsections (2) and (3) above “relevant enactment” means any of the following, that is to say—

- (a) the ^{M4}Trade Descriptions Act 1968;
- (b) the ^{M5}Fair Trading Act 1973;
- (c) the Consumer Credit Act 1974;

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- (d) Part II of the ^{M6}Control of Pollution Act 1974;
 - ^{F4}(e)
 - ^{F4}(f)
 - (g) the ^{M7}Estate Agents Act 1979;
 - (h) the ^{M8}Competition Act 1980;
 - (i) the ^{M9}Consumer Protection Act 1987;
 - (j) the ^{M10}Electricity Act 1989;
 - (k) the ^{M11}Water Resources Act 1991;
 - (l) the ^{M12}Land Drainage Act 1991;
 - (m) any subordinate legislation made for the purpose of securing compliance with the Directive of the Council of the European Communities dated 10th September 1984 (No. 84/450/EEC) on the approximation of the laws, regulations and administrative provisions of the member States concerning misleading advertising.
 - [^{F5}(n) the Competition Act 1998.]
- (5) Nothing in any arrangements under this section shall—
- (a) limit the matters which may be contained in a report under section 60 below or section 49 of the 1991 Act (report on operation of that Act); or
 - (b) restrict or prohibit the disclosure of any information which has already been made public—
 - (i) as part of such a report;
 - (ii) in pursuance of any arrangements under section 57 above;
 - (iii) under any provision of section 31 or 32 above or Part III of this Act requiring the publication of any notice or other matter; or
 - (iv) in the exercise of any power or the performance of any duty which is conferred or imposed on any person apart from this Act.
- (6) The Secretary of State may by order made by statutory instrument modify subsections (2) to (5) above so as to add to or restrict the descriptions of disclosures which are to be excluded from any prohibition contained in arrangements under subsection (1) above; and the power to make an order under this subsection shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Subject to subsection (8) below, where any licence under Part II of this Act or any such undertaking as is mentioned in section 57(4)(b) above contains provision for any information furnished to the Authority to be treated as subject to such an obligation of confidence as restricts the disclosure or use of that information without the consent of the person to whom that obligation is to be owed—
- (a) the requirement to comply with that obligation shall be a duty owed by the Authority to that person; and
 - (b) any such disclosure or use, in contravention of that provision, of any information as causes the person to whom it is owed to sustain loss or damage shall be actionable against the Authority at the suit or instance of that person.
- (8) Subsection (7) above shall not apply, except in so far as the provisions of the licence or undertaking contain express provision to the contrary, to any disclosure of information which is for the time being excluded by virtue of subsections (2) to (5) above from the prohibition contained in arrangements under subsection (1) above.

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(9) In this section “records” has the same meaning as in section 57 above.

Textual Amendments

- F2** Words in s. 59(3)(e)(iv) substituted (1.4.1999) by S.I. 1999/506, **art. 34**
- F3** S. 59(3)(e)(vi) substituted (1.4.1996) by S.I. 1996/973, **reg. 16**.
- F4** S. 59(4)(e)(f) repealed (1.3.2000) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 18(a), **Sch. 14 Pt. I**; S.I. 2000/344, art. 2, **Sch.**
- F5** S. 59(4)(n) inserted (11.1.1999) by 1998 c. 41, s. 74(1), **Sch. 12**, para. 18(b); S.I. 1998/3166, art. 2, **Sch.**

Modifications etc. (not altering text)

- C1** S. 59(2): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. I para. 35**

Marginal Citations

- M1** 1986 c. 60.
- M2** 1986 c. 45.
- M3** 1974 c. 37.
- M4** 1968 c. 29.
- M5** 1973 c. 41.
- M6** 1974 c. 40.
- M7** 1979 c. 38.
- M8** 1980 c. 21.
- M9** 1987 c. 43.
- M10** 1989 c. 29.
- M11** 1991 c. 57.
- M12** 1991 c. 59.

60 Annual report of the Authority.

- (1) As soon as reasonably practicable after the end of each financial year the Authority shall prepare a report on its activities during that year and shall send a copy of that report to the Secretary of State.
- (2) The Authority’s annual report—
- (a) shall set out—
 - (i) all such directions under section 6 above, this section or Part II of Schedule 1 to this Act, and
 - (ii) all such determinations under that Part of that Schedule, as have been given to it or made during the financial year to which the report relates;
 - (b) shall incorporate the statement of accounts prepared by the Authority in respect of the accounting year ending with the financial year in question, together with a copy of the report on those accounts which is required to be laid before Parliament under paragraph 15(4) of Schedule 1 to this Act; and
 - (c) shall otherwise be in such form, and contain such information, as may be specified in a direction given to it by the Secretary of State.
- (3) The information contained in the Authority’s annual report shall not include any such information as falls to be excluded by virtue of subsection (3) or (4) of section 57 above

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from the information which is to be made available in pursuance of arrangements under that section.

- (4) Nothing in subsection (3) above shall prevent the inclusion in the Authority's annual report of any information which has already been made public by virtue of any provision of this Act or of any other enactment.
- (5) In consequence of section 49 of the 1991 Act (report on operation of that Act), it shall not be necessary for the Authority's annual report to include any report on the operation of that Act.
- (6) As soon as reasonably practicable after he has received the Authority's annual report for any financial year the Secretary of State shall lay a copy of it before each House of Parliament.
- (7) It shall be the duty of the Authority—
 - (a) to arrange for copies of every annual report of the Authority to be published in such manner as it considers appropriate for securing that the information contained in it is available to the persons likely to be interested in it; and
 - (b) to send the Secretary of State such number of copies of the published report as he may require.

61 Report on financial assistance for coal-mining museums.

As soon as reasonably practicable after the end of the period of three years beginning with the restructuring date, the Secretary of State shall prepare and lay before Parliament a report setting out particulars of—

- (a) the financial assistance provided during that period to coal-mining museums, so far as it has involved the making of payments for that purpose to any person by the Secretary of State;
- (b) the manner in which the provision of that financial assistance has been administered; and
- (c) the use to which that financial assistance has been put by the coal-mining museums which have received it.

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