



# Coal Industry Act 1994

## 1994 CHAPTER 21

### PART IV

#### GENERAL AND SUPPLEMENTAL

##### *Supplemental*

#### **62 Financial provisions.**

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by the Secretary of State or the Treasury in consequence of the provisions of this Act;
- (b) any sums required by any Minister of the Crown or Government department for meeting obligations arising in consequence of that Minister or department becoming entitled or subject, in accordance with any restructuring scheme, to any property, rights or liabilities; and
- (c) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

#### **63 Provisions relating to the service of documents.**

(1) Any document required or authorised by virtue of this Act to be served on any person may be served—

- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address;
- (b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary or clerk of that body; or
- (c) if the person is a partnership, by serving it in accordance with paragraph (a) above on a partner or a person having the control or management of the partnership business;

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and any document required or authorised by this Act to be served on the Authority or the Corporation may be served by leaving it at, or sending it by post to, any office of the Authority or, as the case may be, of the Corporation.

(2) For the purposes of this section and section 7 of the <sup>M1</sup>Interpretation Act 1978 (which relates to the service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—

- (a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body; and
- (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership;

and for the purposes of this subsection the principal office of a company registered outside the United Kingdom, or of a partnership carrying on business outside the United Kingdom, is its principal office within the United Kingdom.

(3) If a person to be served by virtue of this Act with any document by another has specified to that other an address within the United Kingdom, other than his proper address (as determined in accordance with subsection (2) above), as one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated as a proper address of that person for the purposes of this section and for the purposes of the said section 7 in its application to this section.

(4) References in this section to the service of a document on any person include references to the giving, making or sending to that person of any notice, direction, claim or request which is in writing.

(5) This section shall not apply to any document in relation to the service of which provision is made by rules of court.

**Modifications etc. (not altering text)**

C1 S. 63 applied (31.10.1994) by 1994 c. 45, s. 51 (as substituted (31.10.1994) by 1994 c. 21, s. 67, Sch. 9 para. 41(3)).

**Marginal Citations**

M1 1978 c. 30.

## 64 Offences by bodies corporate etc.

(1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, then he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

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- (3) Where any partnership in Scotland or any unincorporated association in Scotland which is not a partnership is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) any partner in the partnership or, as the case may be, any person concerned in the management or control of the association, or
  - (b) any person purporting to act in any such capacity,
- then he, as well as the partnership or association, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

## 65 Interpretation.

- (1) In this Act, except in so far as the context otherwise requires—
- “the 1946 Act” means the <sup>M2</sup>Coal Industry Nationalisation Act 1946;
  - “the 1975 Act” means the <sup>M3</sup>Coal Industry Act 1975;
  - “the 1991 Act” means the <sup>M4</sup>Coal Mining Subsidence Act 1991;
  - “the Authority” means the Coal Authority;
  - “business” includes any trade or profession;
  - “coal” means bituminous coal, cannel coal and anthracite;
  - “coal mine” includes—
    - (a) any space excavated underground for the purposes of coal-mining operations and any shaft or adit made for those purposes,
    - (b) any space occupied by unworked coal, and
    - (c) a coal quarry and opencast workings of coal;“coal-mining operations” includes—
    - (a) searching for coal and boring for it,
    - (b) winning, working and getting it (whether underground or in the course of opencast operations),
    - (c) bringing underground coal to the surface, treating coal and rendering it saleable,
    - (d) treating coal in the strata for the purpose of winning any product of coal and winning, working or getting any product of coal resulting from such treatment, and
    - (e) depositing spoil from any activities carried on in the course of any coal-mining operations and draining coal mines,and an operation carried on in relation to minerals other than coal is a coal-mining operation in so far as it is carried on in relation to those minerals as part of, or is ancillary to, operations carried on in relation to coal;
  - “company” has the same meaning as in the <sup>M5</sup>Companies Act 1985;
  - “contravention” includes a failure to comply, and cognate expressions shall be construed accordingly;
  - “the Corporation” means the British Coal Corporation or, in relation to times before the commencement of section 1 of the <sup>M6</sup>Coal Industry Act 1987, the National Coal Board;
  - “debenture” includes debenture stock;
  - “the dissolution date” means the date appointed under section 23 above for the dissolution of the Corporation;

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“financial year” means the twelve months ending with 31st March;

“holder”, in relation to a licence under Part II of this Act, means the following person (whether or not the authorisation contained in the licence remains in force), that is to say—

- (a) in a case where there has been no such transfer in relation to that licence as is mentioned in section 27(5) above, the person to whom the licence was granted, and
- (b) in any other case, the person to whom the rights and obligations of the holder of that licence were last transferred;

“interest”, in relation to land, includes estate;

“liability”, in relation to the transfer of liabilities from one person to another or to the modification of any liability, does not include any criminal liability;

“licensed operator” means any person who is for the time being either—

- (a) authorised by a licence under Part II of this Act to carry on coal-mining operations to which section 25 above applies, or
- (b) authorised by virtue of subsection (3) of that section to carry on any such operations;

“modifications” includes additions, alterations and omissions, and cognate expressions shall be construed accordingly;

“the restructuring date” means the date appointed as that date under section 7(1) above;

“restructuring scheme” means a scheme under section 12 above;

“securities”, in relation to a company, includes shares, debentures, bonds and other securities of the company, whether or not constituting a charge on the assets of the company;

“shares” includes stock;

“subordinate legislation” has the same meaning as in the <sup>M7</sup>Interpretation Act 1978;

“subsidence damage” has the same meaning as in the 1991 Act;

“subsidiary” and “wholly-owned subsidiary” have the meanings given by section 736 of the <sup>M8</sup>Companies Act 1985;

“successor company” means any company which, at a time when it is wholly owned by the Crown, becomes entitled or subject, in accordance with any restructuring scheme, to any property, rights or liabilities;

“undertaking”, in relation to the Corporation, includes the undertakings of its wholly-owned subsidiaries.

- (2) References in this Act to the treatment of coal in the strata shall be taken not to include references to any operations which—
  - (a) are carried on in relation to coal in or to which any oil or gas that exists in its natural condition in the strata is absorbed or adsorbed; and
  - (b) are so carried on wholly for the purpose of winning or getting that oil or gas; and in this subsection “oil or gas” means oil or gas within the meaning of section 9 above.
- (3) References in this Act to the creation, in favour of any person, of an interest in property include references to the vesting in that person of a freehold or leasehold interest in property.

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- (4) For the purposes of this Act a company shall be regarded as wholly owned by the Crown at any time if it is—
- (a) a company limited by shares in which there are at that time no issued shares held otherwise than by, or by a nominee of, the Treasury, the Secretary of State or any other company wholly owned by the Crown; or
  - (b) a company limited by guarantee of which no person other than the Treasury or the Secretary of State, or a nominee of the Treasury or the Secretary of State, is a member.

#### Marginal Citations

- M2** 1946 c. 59.  
**M3** 1975 c. 56.  
**M4** 1991 c. 45.  
**M5** 1985 c. 6.  
**M6** 1987 c. 3.  
**M7** 1978 c. 30.  
**M8** 1985 c. 6.

## 66 Crown application.

- (1) This Act shall have effect in relation to any land or other property in which there is a Crown or Duchy interest as it has effect in relation to land or other property in which there is no such interest.
- (2) So much of this Act as contains provision for the modification of the rights or liabilities to which any person is or may become entitled or subject shall bind the Crown.
- (3) Nothing in this section shall be taken as requiring a licence under Part II of this Act for the carrying on by or on behalf of the Crown of any coal-mining operations.
- (4) Where this Act modifies any enactment in relation to which provision is made for its application to the Crown that differs from the provision made by this section, that provision, and not this section, shall have effect in relation to the modification.
- (5) In this section “Crown or Duchy interest” means any interest belonging to Her Majesty or to the Duchy of Cornwall or any interest belonging to a Government department or held in trust for the purposes of a Government department.

## 67 Amendments, transitional provisions, savings and repeals.

- (1) The enactments mentioned in Schedule 9 to this Act shall have effect subject to the amendments there specified (being minor amendments or amendments consequential on the preceding provisions of this Act).
- (2) The Secretary of State may by order made by statutory instrument make such consequential modifications of any provision contained in any Act passed before the relevant commencement date, or in any subordinate legislation made before that date, as appear to him necessary or expedient—
  - (a) in respect of any reference in that Act or subordinate legislation to the Corporation;

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- (b) in respect of any reference (in whatever terms) in that Act or subordinate legislation to a person carrying on coal-mining operations or to such operations;
  - (c) in respect of any reference in that Act or subordinate legislation to any enactment repealed or amended by this Act; or
  - (d) in the case of a provision contained in subordinate legislation, in respect of any other inconsistency between that subordinate legislation and this Act;
- and in this subsection “the relevant commencement date”, in relation to any modifications, means the date of the coming into force of the provisions of this Act on which they are consequential.
- (3) If it appears to the Secretary of State to be appropriate to do so—
- (a) for the purposes of, or in consequence of, the coming into force of any enactment contained in this Act, or
  - (b) in consequence of the effect or operation at any time after the restructuring date of any such enactment or of anything done under any such enactment,
- he may by order made by statutory instrument repeal, amend or re-enact (with or without modifications) any provision contained in any local Act (whenever passed), including, in the case of an order by virtue of paragraph (b) above, a provision amended by virtue of subsection (2) or paragraph (a) above.
- (4) The power of the Secretary of State to make provision by an order under subsection (3) above shall include power—
- (a) to provide for general modifications of local Acts of a specified description and for modifications making different provision for different cases;
  - (b) to make such supplemental, incidental, consequential and transitional provision as the Secretary of State considers appropriate in relation to any other provisions of such an order; and
  - (c) in the case of an order made after the restructuring date, to require provision contained in the order to be treated as if it came into force on that date.
- (5) An order shall not be made under this section for modifying any public general Act unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (6) A statutory instrument containing an order under this section a draft of which is not required to have been laid before Parliament under subsection (5) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) The transitional provisions and savings contained in Schedule 10 to this Act shall have effect; and those provisions and savings shall be without prejudice to sections 16 and 17 of the <sup>M9</sup>Interpretation Act 1978 (effect of repeals).
- (8) The enactments mentioned in Schedule 11 to this Act (which include some enactments which are spent) are hereby repealed to the extent specified in the third column of that Schedule.

#### Commencement Information

- I1** S. 67(2)-(6) in force and s. 67(8) in force for specified purposes at Royal Assent, see s. 68(6)(e)
- I2** S. 67(7) in force and 67(1)(8) in force for specified purposes at 31.10.1994 by [S.I. 1994/2552, art. 2, Sch. 1](#), Appendix (with art. 4)
- I3** S. 67(1)(8) in force for specified purposes at 1.11.1994 by [S.I. 1994/2552, art. 3, Sch. 2](#), Appendix

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- I4** S. 67(1)(8) in force for specified purposes at 31.10.1994 ("the restructuring date"), see ss. 7, 68(2) and S.I. 1994/2553, **art. 2**
- I5** S. 67(8) in force for specified purposes at 24.12.1994 by S.I. 1994/3063, **art. 2, Sch.**
- I6** S. 67(8) in force for specified purposes at 1.3.1995 by S.I. 1995/273, **art. 2, Sch.**

**Marginal Citations**

- M9** 1978 c. 30.

**68 Short title, commencement and extent.**

- (1) This Act may be cited as the Coal Industry Act 1994.
- (2) The following provisions of this Act shall come into force on the restructuring date, that is to say—
  - (a) sections 10, 11, 18 and 23;
  - (b) sections 31 to 34 and section 36;
  - (c) sections 38 to 44 and 48 to 53, section 55 and Schedules 6, 7 and 8;
  - (d) Schedule 9, except (subject to the power to appoint the restructuring date under subsection (4) below) for so much of that Schedule as relates to—
    - (i) the <sup>M10</sup>Public Health Act 1961,
    - (ii) the <sup>M11</sup>Licensing Act 1964,
    - <sup>F1</sup>(iii) .....
    - (iv) the <sup>M12</sup>Gaming Act 1968,
    - <sup>F2</sup>(v) .....
    - (vi) the <sup>M13</sup>Overseas Development and Co-operation Act 1980,
    - (vii) the <sup>M14</sup>National Audit Act 1983,
    - (viii) the <sup>M15</sup>Road Traffic Regulation Act 1984,
    - (ix) sections 315(4)(b) and 317 of the <sup>M16</sup>Town and Country Planning Act 1990, and
    - (x) the <sup>M17</sup>Leasehold Reform, Housing and Urban Development Act 1993;
  - (e) Part II of Schedule 11; and
  - (f) subsections (1) and (8) of section 67 so far as they relate to provisions coming into force on that date by virtue of paragraphs (d) and (e) above.
- (3) The following provisions of this Act shall come into force on the dissolution date, that is to say—
  - (a) Schedule 9, so far as it relates to—
    - (i) the <sup>M18</sup>Public Health Act 1961,
    - (ii) the <sup>M19</sup>Overseas Development and Co-operation Act 1980,
    - (iii) the <sup>M20</sup>National Audit Act 1983,
    - (iv) the <sup>M21</sup>Road Traffic Regulation Act 1984, and
    - (v) the <sup>M22</sup>Leasehold Reform, Housing and Urban Development Act 1993;
  - (b) Part IV of Schedule 11; and
  - (c) subsections (1) and (8) of section 67 so far as they relate to provisions coming into force on that date by virtue of paragraphs (a) and (b) above.

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- (4) Apart from the provisions to which subsections (2) and (3) above apply and the provisions specified in subsection (6) below (which come into force on the passing of this Act), this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (5) An order under subsection (4) above may—
- (a) appoint different days for different provisions and for different purposes; and
  - (b) make any such transitional provision (including provision modifying for transitional purposes any of the provisions of this Act or of any enactment amended or repealed by this Act) as the Secretary of State considers appropriate in connection with the bringing into force of any provision of this Act;
- but, where an order under that subsection makes any such provision as is mentioned in paragraph (b) above, the statutory instrument containing the order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The provisions of this Act mentioned in subsection (4) above are this section and—
- (a) sections 7 to 9;
  - (b) sections 12 to 14 and 17 and Schedule 2;
  - (c) section 54;
  - (d) sections 62 to 66;
  - (e) section 67(2) to (6); and
  - (f) Part I of Schedule 11 to this Act and subsection (8) of section 67 so far as it relates to that Part of that Schedule.
- (7) The following provisions of this Act do not extend to Scotland, that is to say—
- (a) sections 49 and 50 and Schedule 7; and
  - (b) so much of Schedules 9 and 11 as relates to enactments extending to England and Wales only.
- (8) This Act, except for—
- (a) sections 7 to 9, 12 and 13 and Schedule 2,
  - (b) sections 20 and 21 and Schedule 4,
  - (c) so much of Schedule 1 as amends the <sup>M23</sup>Parliamentary Commissioner Act 1967, the <sup>M24</sup>House of Commons Disqualification Act 1975 and the <sup>M25</sup>Northern Ireland Assembly Disqualification Act 1975,
  - (d) so much of Schedule 9 as amends any enactment that extends to Northern Ireland,
  - (e) the repeal, by virtue of their inclusion in Schedule 11, of—
    - (i) the entries relating to the Corporation in the <sup>M26</sup>Statutory Corporations (Financial Provisions) Act 1975, the <sup>M27</sup>House of Commons Disqualification Act 1975, the <sup>M28</sup>Northern Ireland Assembly Disqualification Act 1975 and the <sup>M29</sup>National Audit Act 1983,
    - (ii) the <sup>M30</sup>Coal Consumers' Councils (Northern Irish Interests) Act 1962,
    - (iii) section 2(4) and (5) of the <sup>M31</sup>Overseas Development and Co-operation Act 1980 and the entry relating to the Corporation in Schedule 1 to that Act,
    - (iv) section 1(2) of the <sup>M32</sup>Continental Shelf Act 1964 and section 2(3) of the <sup>M33</sup>Territorial Sea Act 1987,



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- (v) so much of the <sup>M34</sup>Coal Industry Act 1987 as extends to Northern Ireland, and
- (vi) the <sup>M35</sup>British Coal and British Rail (Transfer Proposals) Act 1993, and
- (f) so much of this Part as is required for the purpose of giving effect to the extension to Northern Ireland of the provisions mentioned in the preceding paragraphs,
- does not extend to Northern Ireland.
- (9) This Act extends to the Isle of Man for the purpose of giving effect there to the repeal by this Act of subsection (3) of section 2 of the Territorial Sea Act 1987, to paragraph 10 of Schedule 10 and to so much of any restructuring scheme or any agreement under section 13 above as relates to rights mentioned in that paragraph; and, subject to that paragraph, that repeal shall accordingly include the repeal of that subsection as it extends to the Isle of Man by virtue of the <sup>M36</sup>Territorial Sea Act 1987 (Isle of Man) Order 1991.

#### Subordinate Legislation Made

- P1** S. 68(2): 31.10.1994 appointed as the restructuring date, see s. 7 and [S.I. 1994/2553, art. 2](#)
- P2** S. 68(4)(5) power partly exercised: 19.9.1994 appointed for specified provisions by [S.I. 1994/2189, art. 2, Sch.](#)
- P3** S. 68(4)(5) power partly exercised: 31.10.1994 and 1.11.1994 appointed for specified provisions and purposes by [S.I. 1994/2552, arts. 2, 3, Schs. 1, 2](#) and Appendices (with art. 4)
- P4** S. 68(4)(5) power partly exercised: 24.12.1994 appointed for specified provisions and purposes by [S.I. 1994/3063, art. 2, Sch.](#)
- P5** S. 68(4): power partly exercised: 31.1.1995 appointed for s. 24 by [S.I. 1995/159, art. 2](#)
- P6** S. 68(4)(5) power partly exercised: 1.3.1995 appointed for specified provisions and purposes by [S.I. 1995/273, art. 2, Sch.](#)

#### Textual Amendments

- F1** S. 68(2)(d)(iii) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\), Sch. 1 Pt. IV](#), Group 2
- F2** S. 68(2)(d)(v) repealed (27.5.1997) by [1997 c. 11, s. 3, Sch. 1 Pt. I](#)

#### Marginal Citations

- M10** 1961 c. 64.  
**M11** 1964 c. 26.  
**M12** 1968 c. 65.  
**M13** 1980 c. 63.  
**M14** 1983 c. 44.  
**M15** 1984 c. 27.  
**M16** 1990 c. 8.  
**M17** 1993 c. 28.  
**M18** 1961 c. 64.  
**M19** 1980 c. 63.  
**M20** 1983 c. 44.  
**M21** 1984 c. 27.  
**M22** 1993 c. 28.  
**M23** 1967 c. 13.  
**M24** 1975 c. 24.  
**M25** 1975 c. 25.  
**M26** 1975 c. 55.

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- M27** 1975 c. 24.
- M28** 1975 c. 25.
- M29** 1983 c. 44.
- M30** 1962 c. 22.
- M31** 1980 c. 63.
- M32** 1964 c. 29.
- M33** 1987 c. 49.
- M34** 1987 c. 3.
- M35** 1993 c. 2.
- M36** S.I. 1991/1722.

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