



Coal industry Act 1994

1994 CHAPTER 21

PART III

RIGHTS AND OBLIGATIONS IN CONNECTION WITH COAL MINING

Withdrawal of support from land

38 Rights to withdraw support

- (1) Subject to the following provisions of this Part, on and after the restructuring date, any licensed operator shall be entitled, so far as may be reasonably requisite for the carrying on of any coal-mining operations to which section 25 above applies, to withdraw support from any land to which this section applies.
- (2) This section applies to any land, not being land comprised in an underground coal mine, if—
 - (a) a notice under this section relating to that land has been given in accordance with section 39 below and has come into force;
 - (b) immediately before the restructuring date the Corporation was entitled under and in accordance with section 2 of the 1975 Act (rights to withdraw support) to withdraw support from that land; or
 - (c) the following conditions are satisfied, that is to say—
 - (i) the relevant date of publication of a notice under section 2 of the 1975 Act relating to that land is a date not more than three months before the restructuring date;
 - (ii) the Corporation would (apart from subsection (7) below) have become entitled as mentioned in paragraph (b) above at the end of the period of three months beginning on the relevant date of publication; and
 - (iii) that period has expired;

and a right under this section shall have effect whether the coal in relation to which the operations concerned are carried on lies under the land to which this section applies or under adjacent land.

Status: This is the original version (as it was originally enacted).

- (3) A notice under this section shall come into force with whichever is the later of the following, that is to say—
- (a) the expiry of the period of three months beginning with the day after the relevant date of publication; and
 - (b) the time when particulars of the notice are first registered by the Authority in accordance with section 56 below.
- (4) In the case of any licensed operator who is entitled by virtue of this section to withdraw support from any land, the rights comprised in his entitlement shall also be exercisable by any person authorised as mentioned in section 27(4) above to act on his behalf in the carrying on of any of the operations which the operator is authorised to carry on.
- (5) In this section and section 39 below “relevant date of publication”—
- (a) in relation to a notice under section 2 of the 1975 Act, has the same meaning as in that section; and
 - (b) in relation to a notice under this section, means whichever is the later of—
 - (i) the date of the publication of the notice in the London or Edinburgh Gazette; and
 - (ii) the date of the first of the publications for the purposes of section 39(3)(b) below.
- (6) In this section “underground coal mine” means any coal mine which is a mine within the meaning of the Mines and Quarries Act 1954.
- (7) Subject to the preceding provisions of this section, the rights conferred on the Corporation by section 2 of the 1975 Act shall not be exercisable at any time on or after the restructuring date.