



# Coal Industry Act 1994

## 1994 CHAPTER 21

### PART IV

#### GENERAL AND SUPPLEMENTAL

##### *Supplemental*

#### **65 Interpretation.**

- (1) In this Act, except in so far as the context otherwise requires—
- “the 1946 Act” means the <sup>M1</sup>Coal Industry Nationalisation Act 1946;
  - “the 1975 Act” means the <sup>M2</sup>Coal Industry Act 1975;
  - “the 1991 Act” means the <sup>M3</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

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*Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1994, Section 65. (See end of Document for details)*

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(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” [<sup>F1</sup>has the meaning given by section 1(1) of the Companies Act 2006];

“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>M4</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;

“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>M5</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 [<sup>F2</sup>section 1159 of the Companies Act 2006];

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“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.
- (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.

#### Textual Amendments

- F1** Words in s. 65(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 147(3)(a)** (with art. 10)
- F2** Words in s. 65(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 147(3)(b)** (with art. 10)

#### Marginal Citations

- M1** 1946 c. 59.  
**M2** 1975 c. 56.  
**M3** 1991 c. 45.  
**M4** 1987 c. 3.  
**M5** 1978 c. 30.

**Changes to legislation:**

There are currently no known outstanding effects for the Coal Industry Act 1994, Section 65.