



Coal industry Act 1994

1994 CHAPTER 21

PART I

RE-ORGANISATION OF COAL INDUSTRY

The Coal Authority

5 General powers of the Authority

- (1) Subject to subsections (6) and (7) below, the Authority shall have power to do anything which, in the opinion of the Authority, is calculated to facilitate, or is conducive or incidental to, the carrying out of its functions.
- (2) Subject to subsections (6) and (7) below, the powers of the Authority shall include power, for the purposes of or in connection with the carrying out of its functions—
 - (a) to acquire land by agreement and to hold and dispose of land; and
 - (b) in exercise of rights attached to its interests in land, or of any such rights in relation to other land as are granted to it by the owner or occupier, to carry out any works on or with respect to land.
- (3) Subject to subsection (7) below, where the Authority has land which it is required under this Act to make available for acquisition by others, its powers shall include—
 - (a) power, in exercise of any rights attached to its interest in the land, to develop or improve the land, or to join with others in developing or improving the land, with a view to its disposal for use or enjoyment by another; and
 - (b) power by agreement to acquire other land with a view (with or without developing or improving it) to disposing of the other land together with the land in question.
- (4) The powers of the Authority shall include power to enter into arrangements with a person who is or has been a licensed operator to act on that person's behalf in relation to any of the following matters, that is to say—
 - (a) the giving and publication of notices under or for the purposes of section 38 or 49 below or any provisions of the 1991 Act; or

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- (b) the handling of any matter arising under the 1991 Act and the performance of that person's obligations in relation to any subsidence damage.
- (5) The powers of the Authority shall include power, where it—
 - (a) provides a service to anyone in the course of the exercise or performance of its powers or duties, or
 - (b) receives any application for the grant of, or any offer for, any such interest or right in or in relation to any of its land or other property as may be required by any person for the purpose of exploring for coal or of carrying on coal-mining operations,
to make a charge for the provision of that service or, as the case may be, for considering that application or offer.
- (6) The Authority shall not have power—
 - (a) for commercial purposes or with a view to itself using any coal or product of coal, to carry on any coal-mining operations consisting in—
 - (i) the winning, working or getting (with or without other minerals) of any coal,
 - (ii) the treatment of coal in the strata for the purpose of winning any product of coal, or
 - (iii) the winning, working or getting of any product of coal resulting from such treatment;
 - or
 - (b) with a view to any such operations being so carried on by the Authority or any other person, to explore for coal or, subject to subsection (4) above, to take any steps for the benefit of another for obtaining planning permission or any other authorisation required for carrying on coal-mining operations.
- (7) The Authority shall not—
 - (a) acquire any land or acquire or hold shares in or other securities of any body corporate or otherwise become a member of a body corporate, or
 - (b) lend money to any person or guarantee or otherwise provide security for a loan made to any person,
except with the agreement of the Secretary of State.
- (8) The consent of the Treasury shall be required for the giving of the Secretary of State's agreement under subsection (7) above.
- (9) Subsections (2) to (5) above shall be without prejudice to the generality of subsection (1) above.