



# Coal Industry Act 1977

1977 CHAPTER 39

**E+W+S**

An Act to increase the limit on the borrowing powers of the National Coal Board, to provide for grants by the Secretary of State to the Board and other persons, to extend the Board's powers and the power to provide pensions and other benefits under the Coal Industry Nationalisation Act 1946. [29th July 1977]

## Extent Information

**E1** For extent of this Act see [s. 16](#)

## *Finance*

**<sup>F1</sup> 1** **Borrowing powers of National Coal Board.** **E+W+S**

## Textual Amendments

**F1** [S. 1](#) repealed (27.3.2004) by [Coal industry Act 1994 \(c. 21\)](#), [s. 68\(4\)](#), [Sch. 11 Pt. III](#); [S.I. 2004/144](#), [art. 2](#), [Sch.](#)

**2, 3.** ..... **<sup>F2</sup> E+W+S**

## Textual Amendments

**F2** [Ss. 2, 3](#) repealed by [Coal Industry Act 1983 \(c. 60, SIF 86\)](#), [s. 2\(3\)](#), [Sch.](#)

**4** ..... **<sup>F3</sup> E+W+S**

*Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1977. (See end of Document for details)*

**Textual Amendments**

**F3** S. 4 repealed by Coal Industry Act 1980 (c. 50, SIF 86), s. 11(2)

**5** ..... <sup>F4</sup> **E+W+S**

**Textual Amendments**

**F4** S. 5 repealed by Coal Industry Act 1980 (c. 50, SIF 86), s. 11(2)

**6** ..... <sup>F5</sup> **E+W+S**

**Textual Amendments**

**F5** S. 6 repealed, but without prejudice to the payment of any grant under that section in respect of relevant expenditure actually incurred during any period specifically in subsection (3) of that section, by Coal Industry Act 1987 (c. 3, SIF 86), ss. 4(1), 10(3), **Sch. 3 Pt. I**

<sup>F67</sup> **Payments to redundant workers.** **E+W+S**

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**Textual Amendments**

**F6** S. 7 repealed (28.4.2014 for the repeal of s. 7(1)(2)) by Coal industry Act 1994 (c. 21), s. 68(4), **Sch. 11 Pt. III**; S.I. 2014/888, art. 2, Sch. (with art. 3)

**8** ..... <sup>F7</sup> **E+W+S**

**Textual Amendments**

**F7** S. 8 repealed by Coal Industry Act 1980 (c. 50, SIF 86), **ss. 5, 11(2)**

*Other provisions*

**9** **Activities relating to petroleum,** **E+W+S**

<sup>F8</sup>(1) .....

<sup>F8</sup>(2) .....

<sup>F8</sup>(3) .....

<sup>F8</sup>(4) .....

*Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1977. (See end of Document for details)*

<sup>F9</sup>(5) .....

**Textual Amendments**

**F8** S. 9(1)-(4) repealed (31.10.1994) by 1994 c. 21, ss. 67, 68(2), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

**F9** S. 9(5) repealed (27.3.2004) by Coal industry Act 1994 (c. 21), s. 68(3)(b), **Sch. 11 Pt. IV**; S.I. 2004/144, **art. 3**

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

**C1** S. 9 restricted (31.10.1994) by 1994 c. 21, **ss. 11(6)(b)**, 68(2), (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

<sup>F10</sup>**10 Activities relating to minerals other than coal or petroleum.** **E+W+S**

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**Textual Amendments**

**F10** S. 10 repealed (27.3.2004) by Coal industry Act 1994 (c. 21), s. 68(3)(b), **Sch. 11 Pt. IV**; S.I. 2004/144, **art. 3**

<sup>F11</sup>**11 Overseas activities.** **E+W+S**

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**Textual Amendments**

**F11** S. 11 repealed (27.3.2004) by Coal industry Act 1994 (c. 21), s. 68(3)(b), **Sch. 11 Pt. IV**; S.I. 2004/144, **art. 3**

**12 Pensions.** **E+W+S**

(1) In section 37 of the Act of 1946 (regulations about pension schemes) after subsection (1) insert the following subsection—

“(1A) Regulations may be made for providing pensions, gratuities and other like benefits in favour of persons specified in the Table in Schedule 2A to this Act, and references in subsection (1)(c) above to the purposes of paragraphs (a) and (b) of that subsection shall include references to the purposes of this subsection.”

(2) After Schedule 2 to the Act of 1946 insert, as Schedule 2A, the provisions set out in Schedule 3 to this Act.

*Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1977. (See end of Document for details)*

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

- C2** The text of ss. 1(1)(2), 11(8), 12(1)(2), 15(1)(2), Schs. 1, 3, 4 paras. 1(1)—(7), 2, 3, Sch. 5 Pts. I, II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 13 Administrative expenses. **E+W+S**

[<sup>F12</sup>Any administrative expenses incurred by the Secretary of State for the purposes of this Act shall be paid out of money provided by Parliament]

#### Textual Amendments

- F12** Ss. 13-16 repealed (27.3.2004 for the repeal of s. 15) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), [Sch. 11 Pt. 3](#); [S.I. 2004/144](#), art. 2, Sch.

### 14 Interpretation. **E+W+S**

[<sup>F12</sup>(1) In this Act—

“the Act of 1946” means the <sup>M1</sup>Coal Industry Nationalisation Act 1946;

“the Act of 1965” means the <sup>M2</sup>Coal Industry Act 1965;

“the Act of 1971” means the <sup>M3</sup>Coal Industry Act 1971;

“the Act of 1973” means the <sup>M4</sup>Coal Industry Act 1973;

“the Act of 1976” means the <sup>M5</sup>National Coal Board (Finance) Act 1976;

“the Board” means the National Coal Board;

[<sup>F13</sup>“ the Corporation ” means the British Coal Corporation; ]

“wholly owned subsidiary” shall be construed in accordance with [<sup>F14</sup>[<sup>F15</sup>section 736] of the Companies Act 1985].

- (2) Except so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.]

#### Textual Amendments

- F12** Ss. 13-16 repealed (27.3.2004 for the repeal of s. 15) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), [Sch. 11 Pt. 3](#); [S.I. 2004/144](#), art. 2, Sch.

- F13** Definition inserted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(2), [Sch. 1 para. 34\(3\)](#)

- F14** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#)

- F15** Words substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), s. 144(4), [Sch. 18 para. 18](#) (subject to the transitional provisions referred to in [S.I. 1990/1392](#), [arts. 2, 6](#))

#### Marginal Citations

**M1** 1946 c. 59.

**M2** 1965 c. 82.

**M3** 1971 c. 16.

**M4** 1973 c. 8.

**M5** 1976 c. 1.

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*Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1977. (See end of Document for details)*

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<sup>F12</sup>**15 Amendments and repeals.** **E+W+S**

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**Textual Amendments**

**F12** Ss. 13-16 repealed (27.3.2004 for the repeal of s. 15) by [Coal Industry Act 1994 \(c. 21\), s. 68\(4\), Sch. 11 Pt. 3](#); S.I. 2004/144, art. 2, Sch.

**16 Citation, commencement and extent.** **E+W+S**

[<sup>F12</sup>(1) This Act may be cited as the Coal Industry Act 1977, and the Coal Industry Acts 1946 to 1976 and this Act may be cited together as the Coal Industry Acts 1946 to 1977.

(2) This Act shall come into force at the expiration of a period of one month beginning with the date on which this Act is passed.

(3) This Act does not extend to Northern Ireland, but without prejudice to the provisions of this Act relating to activities of the Board outside Great Britain.]

**Textual Amendments**

**F12** Ss. 13-16 repealed (27.3.2004 for the repeal of s. 15) by [Coal Industry Act 1994 \(c. 21\), s. 68\(4\), Sch. 11 Pt. 3](#); S.I. 2004/144, art. 2, Sch.

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*Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1977. (See end of Document for details)*

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## SCHEDULES

### <sup>F16</sup>SCHEDULE 1 **E+W+S**

Section 1.

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#### Textual Amendments

**F16** Sch. 1 repealed (27.3.2004) by Coal industry Act 1994 (c. 21), s. 68(4), **Sch. 11 Pt. III**; S.I. 2004/144, art. 2, Sch.

### SCHEDULE 2 **E+W+S**

... <sup>F17</sup>

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#### Textual Amendments

**F17** Sch. 2 repealed (with saving) by Coal Industry Act 1987 (c. 3, SIF 86), s. 10(3), **Sch. 3 Pt. I** note

### SCHEDULE 3 **E+W+S**

Section 12.

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

**C3** The text of ss. 1(1)(2), 11(8), 12(1)(2), 15(1)(2), Schs. 1, 3, 4 paras. 1(1)—(7), 2, 3, Sch. 5 Pts. I, II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*To be inserted in the Act of 1946 as Schedule 2A*

**E+W+S**

#### “ ELIGIBILITY FOR SUPERANNUATION RIGHTS

The table below sets out classes of persons for whom rights may be provided under section 37(1A) of this Act.

#### *Table*

1 Any person who has been in the employment of a subsidiary of the Board.

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*Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1977. (See end of Document for details)*

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- 2 Any person who has been in the employment of a body corporate in which the Board then had an interest of a kind defined by regulations under section 37 of this Act and which was then, or at any earlier time, a subsidiary of the Board.
- 3 (1) Any person who has been in the employment of a body corporate to which this head then applied.
- (2) This head applies to a body corporate in which the Board, or a subsidiary of the Board, has an interest of a prescribed kind where—
- (a) more than one-half in nominal value of the equity share capital of the body corporate is held by nationalised bodies, or
  - (b) its members consist of or include nationalised bodies, and those nationalised bodies can together control the composition of the board of directors of the body corporate, or
  - (c) the body corporate is a subsidiary of another body corporate to which this head applies.
- (3) In this head “prescribed” means prescribed by regulations under section 37 of this Act, and those regulations may prescribe different kinds of interests for cases within paragraphs (a), (b) and (c) above respectively.
- 4 Any person who has been in the employment of a partnership where—
- (a) the Board or a subsidiary of the Board was one of the partners, and
  - (b) that partner, together with any other partners who were nationalised bodies, had an interest, or interests, in the partnership satisfying conditions prescribed by regulations under section 37 of this Act.
- 5 Other persons, so far as benefits in their favour are by reference to the employment of persons within heads 1, 2, 3 or 4 above.

In this Table—

“nationalised body” means—

- (a) a body corporate established by or under any enactment for the carrying on of any industry or part of an industry, or of any undertaking, under national ownership or control, or
- (b) a subsidiary of such a body corporate,

“subsidiary” has the meaning given by section 154 of the Companies Act 1948.”

SCHEDULE 4 **E+W+S**

Section 15.

MINOR AMENDMENTS

*Coal Industry Nationalisation Act 1946 (c.59)*

- 1 <sup>F18</sup>(1) . . . . .
- <sup>F19</sup>(2) . . . . .
- <sup>F19</sup>(3) . . . . .
- <sup>F19</sup>(4) . . . . .

*Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1977. (See end of Document for details)*

- F20 (5) .....
- F21 (6) .....
- F18 (7) .....

**Textual Amendments**

**F18** Sch. 4 para. 1(1)(7) repealed (27.3.2004) by Coal Industry Act 1994 (c. 21), s. 68(4), **Sch. 11 Pt. 3**; S.I. 2004/144, art. 2, Sch.; S.I. 2004/144, art. 2, Sch.

**F19** Sch. 4 para. 1(2)-(4) repealed (27.3.2004) by Coal Industry Act 1994 (c. 21), s. 68(3)(b), **Sch. 11 Pt. 4**; S.I. 2004/144, art. 3

**F20** Sch. 4 para. 1(5) repealed (5.7.1994) by 1994 c. 21, ss. 67, **Sch. 11 Pt. I** (with ss. 40(7), 66)

**F21** Sch. 4 para. 1(6) repealed (27.3.2004) by Coal Industry Act 1994 (c. 21), s. 68(3)(b), **Sch. 11 Pt. 4**; S.I. 2004/144, art. 3

*Coal Industry Act 1967 (c. 91)*

- F22 2 .....

**Textual Amendments**

**F22** Sch. 4 para. 2 repealed (27.3.2004) by Coal industry Act 1994 (c. 21), s. 68(4), **Sch. 11 Pt. III**; S.I. 2004/144, art. 2, Sch.

- F23 3 .....

**Textual Amendments**

**F23** Sch. 4 para. 3 repealed (27.3.2004) by Coal industry Act 1994 (c. 21), s. 68(4), **Sch. 11 Pt. III**; S.I. 2004/144, art. 2, Sch.

- 4 ..... F24

**Textual Amendments**

**F24** Sch. 4 para. 4 repealed by Overseas Development and Co-operation Act 1980 (c. 63, SIF 88), Sch. 2 Pt. I

- 5 ..... F25

**Textual Amendments**

**F25** Sch. 4 para. 5 repealed (with saving) by Coal Industry Act 1987 (c. 3, SIF 86), s. 10(3), **Sch. 3 Pt. I** Note

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**Changes to legislation:** *There are currently no known outstanding effects for the Coal Industry Act 1977. (See end of Document for details)*

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**Textual Amendments**

**F26** Sch. 5 repealed (27.3.2004) by Coal industry Act 1994 (c. 21), s. 68(4), **Sch. 11 Pt. III**; S.I. 2004/144, art. 2, Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Coal Industry Act 1977.