



Coal industry Act 1994

1994 CHAPTER 21

PART I

RE-ORGANISATION OF COAL INDUSTRY

The Coal Authority

1 Establishment of the Coal Authority

- (1) There shall be a body corporate to be known as the Coal Authority (in this Act referred to as “the Authority”) for the purpose of—
 - (a) holding, managing and disposing of interests and rights in or in relation to the unworked coal and other property which is transferred to or otherwise acquired by it by or under this Act;
 - (b) carrying out functions with respect to the licensing of coal-mining operations;
 - (c) carrying out functions with respect to coal-mining subsidence and in connection with other matters incidental to the carrying on of any opencast or other coal-mining operations;
 - (d) facilitating the establishment and maintenance of arrangements for the information to which persons are to be entitled under this Act to be made available to them; and
 - (e) carrying out the other functions conferred on it by virtue of this Act.
- (2) The Authority shall consist of not less than two nor more than eight members appointed by the Secretary of State.
- (3) The Secretary of State shall designate one of the members appointed under this section as the chairman of the Authority and may, if he thinks fit, designate another such member as its deputy chairman.
- (4) In appointing a person to be a member of the Authority, the Secretary of State shall have regard to the desirability of appointing a person who has experience of, and has shown capacity in, some matter relevant to its functions.

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- (5) The Authority shall not be regarded—
- (a) as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown; or
 - (b) by virtue of any connection with the Crown, as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local;
- and the Authority's property shall not be regarded as property of, or property held on behalf of, the Crown.
- (6) The provisions of Schedule 1 to this Act shall have effect with respect to the Authority and its finances.

2 Duties of the Authority with respect to licensing

- (1) It shall be the duty of the Authority to carry out its functions under Part II of this Act in the manner that it considers is best calculated to secure, so far as practicable—
- (a) that an economically viable coal-mining industry in Great Britain is maintained and developed by the persons authorised by virtue of that Part to carry on coal-mining operations;
 - (b) that such persons are able to finance both the proper carrying on of the coal-mining operations that they are authorised to carry on and the discharge of liabilities arising from the carrying on of those operations; and
 - (c) that persons to whom obligations are owed in respect of subsidence damage caused at any time (whether before or after the passing of this Act) do not sustain loss in consequence of any failure by a person who is or has been a licensed operator to make such financial provision for meeting present and future liabilities as might reasonably have been required of that person.
- (2) Subject to section 4 below, it shall be the duty of the Authority, in carrying out its functions under Part II of this Act, to have regard to the desirability of securing—
- (a) that persons authorised by virtue of that Part to carry on coal-mining operations are persons who have at their disposal such experience and expertise in the carrying on of such operations as are appropriate for ensuring that any authorised operations are properly carried on; and
 - (b) that competition is promoted between the different persons carrying on, or seeking to carry on, coal-mining operations.
- (3) It shall also be the duty of the Authority, in carrying out its functions under Part II of this Act in cases where it appears that subsidence damage may be caused to any land or other property that does not consist in unworked coal or in a coal mine, to have regard—
- (a) to the extent of the damage which is likely to be caused; and
 - (b) to the character of the land or other property in question and to the uses to which it is or is likely to be put.

3 Duties of the Authority with respect to property

- (1) It shall be the duty of the Authority, in carrying out the functions mentioned in section 1(1)(a) above, to have regard to—
- (a) the need to co-ordinate its practice in relation to relevant property dealings with the carrying out of its functions under Part II of this Act; and
 - (b) the need to secure the safety of members of the public.

- (2) Subject to subsection (4) below, it shall be the duty of the Authority, so far as practicable, to make available for acquisition by others such of its land and other property as—
- (a) does not consist in an interest in any unworked coal or coal mine;
 - (b) is not being put to a use which justifies its retention by the Authority; and
 - (c) in the opinion of the Authority, is unlikely to be required for any such use.
- (3) For the purposes of subsection (2) above the only uses for land and other property which justify its retention by the Authority are—
- (a) use by any person for or in connection with the carrying on of any coal-mining operations; and
 - (b) use by the Authority in connection with the administration of its own activities or with the management of the land and other property which it is entitled to retain or is unable to dispose of;
- and for this purpose the management of land and other property shall include the performance of every obligation to which the Authority is subject in relation to any of that land or other property.
- (4) Subject to subsection (6) below, it shall be the duty of the Authority, where it disposes of any interests or rights in or in relation to any land or other property, to secure the best terms reasonably available for the disposal.
- (5) Subject to subsection (6) below, it shall be the duty of the Authority, in the exercise and performance of its powers and duties with respect to its land and other property, to have regard to the desirability of the exploitation, so far as that is economically viable, of coal-bed methane in Great Britain.
- (6) It shall be the duty of the Authority, in determining the terms on which it may dispose of any interest or right in or in relation to any unworked coal or coal mine to a person who requires the interest or right for purposes connected with activities to be carried on under the authority of a licence under section 2 of the Petroleum (Production) Act 1934, to act in accordance with such arrangements and principles as it may, with the approval of the Secretary of State, have determined for the purposes of subsection (5) above.
- (7) It shall be the duty of the Authority, in formulating any proposals for works on or in relation to any of its land or other property which has been used for the carrying on of any coal-mining operations but is no longer to be put to such use—
- (a) to have regard to the desirability of preserving natural beauty, of conserving flora and fauna and geological or physiographical features of special interest and of protecting sites, buildings, structures and objects of architectural, historic or archaeological interest; and
 - (b) to take into account the effect of the proposals on the natural beauty of any area or on any such flora, fauna, features, sites, buildings, structures or objects.
- (8) In this section “relevant property dealings”, in relation to the Authority, means the grant of such interests and rights in or in relation to its land or other property as appear to it to be appropriate for the purpose of enabling or facilitating its use for, or in connection with, the carrying on of any coal-mining operations.

4 Duty of the Authority with respect to safety

- (1) It shall be the duty of the Authority—

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- (a) in conjunction with the Health and Safety Executive, to prepare and from time to time revise a document setting out such means as may, with the approval of the Health and Safety Commission, be agreed between the Authority and that Executive for securing co-operation and the exchange of information between them; and
 - (b) without prejudice to the effect or operation of any relevant statutory provisions (within the meaning of Part I of the Health and Safety at Work etc. Act 1974), to conduct itself in the carrying out of its functions in accordance with any agreement contained in that document.
- (2) As soon as practicable after agreement is reached for the purposes of—
- (a) the preparation of a document in accordance with subsection (1) above, or
 - (b) any revision of a document prepared in accordance with that subsection,
- the Authority shall send a copy of the document or, as the case may be, of the revised version of it to the Secretary of State, and the Secretary of State shall lay the copy before each House of Parliament.

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
 - (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

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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.

6 Directions to the Authority by the Secretary of State

- (1) It shall be the duty of the Authority to comply with such directions of a general character as may be given to it by the Secretary of State with respect to the carrying out of any of its functions, or to its activities generally.
- (2) It shall be the duty of the Authority to comply with such specific directions as may be given to it by the Secretary of State with respect to—
- (a) whether or not it exercises any of its powers and the manner in which any of its powers is to be exercised;
 - (b) the manner in which any of its duties is to be performed; or
 - (c) any other conduct by the Authority in connection with the carrying out of any of its functions or with its activities generally.
- (3) Without prejudice to the generality of the preceding provisions of this section, directions under this section may be given, in relation to any information which is in the possession of or available to the Authority, requiring the Authority to do one or both of the following, that is to say—
- (a) publish it in such manner as may be described in the direction;

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- (b) furnish it, together with such explanations as he may reasonably require, to the Secretary of State.
- (4) A direction under this section shall not authorise the publication of any information if, apart from the direction, the publication of that information would be in contravention of arrangements for the time being in force for the purposes of section 59 below.
- (5) The power to give a direction under this section shall be exercisable, except in an emergency, only after consultation with the Authority.