

SCHEDULES

SCHEDULE 9

MINOR AND CONSEQUENTIAL AMENDMENTS

The Mines (Working Facilities and Support) Act 1966 (c. 4)

- 10 (1) In the Table in section 1 of the Mines (Working Facilities and Support) Act 1966 (provisions for the acquisition of rights to minerals)—
- (a) in paragraph 1, the words “coal and” shall be omitted;
 - (b) paragraph 3 shall cease to have effect; and
 - (c) in paragraph 4(2), for “British Coal Corporation” there shall be substituted “Coal Authority”.
- (2) Where an application has been made before the date on which this paragraph comes into force with respect to the grant of a right under paragraph 3(2) of the Table in section 1 of that Act, that application may be continued and disposed of on or after that date as if it were an application under paragraph 1 of that Table.
- (3) In section 4 of that Act—
- (a) subsection (5) (applications in respect of coal confined to cases where the Corporation has no power to make grant), shall have effect in relation to any time after the coming into force of this paragraph with the substitution—
 - (i) of “paragraph 1” for “paragraph 3(2)”;
 - (ii) of “in respect of coal” for “otherwise than by the British Coal Corporation”; and
 - (iii) of “Coal Authority” for the words “British Coal Corporation”, in the second place where they occur;
 - and
 - (b) after that subsection there shall be inserted the following subsection—

“(6) In subsection (5) above “coal” does not include lignite or brown coal but (subject to that) does include, together with coal as defined in this Act, all other minerals worked or to be worked therewith.”
- (4) After section 7 of that Act (imposition of restrictions on the working of minerals where a person having an interest in land is not entitled to support or to sufficient support for buildings or works) there shall be inserted the following section—

“7A Special provisions applying to section 7

- (1) Subject to subsections (2) and (3) below, on an application under section 7 of this Act, the applicant shall not be required to pay or give any compensation or consideration in respect of the imposition of restrictions appearing to the court to be justified by the existence of any right to withdraw support to which any person is entitled under section 38 of the Coal Industry Act 1994 (withdrawal of support).

Status: This is the original version (as it was originally enacted).

- (2) Subsection (1) above shall not apply in a case where, in accordance with subsection (2)(b) of section 38 of the Coal Industry Act 1994, that section applies to the land in question by virtue of subsection (5)(a) of section 2 of the Coal Industry Act 1975.
- (3) Subsection (1) above shall apply in any case where section 38 of the Coal Industry Act 1994 applies to the land in question otherwise than by virtue of subsection (5) of section 2 of the Coal Industry Act 1975 only if the application under section 7 of this Act is sent to the Secretary of State before the end of the period of six months beginning with the date on which particulars of the notice relating to the land to which the application relates are first registered by the Coal Authority under section 56 of the Coal Industry Act 1994.
- (4) Notwithstanding anything in section 12 of this Act, any restrictions the imposition of which appears to the court to be justified as mentioned in subsection (1) above—
 - (a) may be imposed under section 7 of this Act on the application of, and so as to vest the right to enforce the restrictions in, any such company, authority or body as is mentioned in the said section 12; and
 - (b) may be so imposed on the application of, and so as to vest the right to enforce the restrictions in—
 - (i) the National Rivers Authority or any water or sewerage undertaker;
 - (ii) any public gas supplier within the meaning of Part I of the Gas Act 1986; or
 - (iii) any company or other body or person carrying on an undertaking primarily for the supply of electricity or hydraulic power for public purposes or to members of the public.”