



Coal industry Act 1994

1994 CHAPTER 21

PART I

RE-ORGANISATION OF COAL INDUSTRY

Restructuring of the Corporation's undertaking

12 Restructuring schemes in relation to property etc

- (1) The Secretary of State may, at any time before the restructuring date, make a scheme providing for the creation, as from that date, in favour of—
 - (a) the Corporation, or
 - (b) any person to whom any part of the Corporation's undertaking is to be transferred on that date in accordance with a scheme under this section,of such interests and rights in or in relation to any of the property transferred to the Authority by section 7(3) above as he thinks appropriate for the purposes of the Corporation's functions on and after that date or, as the case may be, for the purposes of the carrying on by that person of the part of the Corporation's undertaking which is to be transferred to him.
- (2) The Secretary of State may from time to time make a scheme for the transfer of property, rights and liabilities from the Corporation or any of its wholly-owned subsidiaries to the Authority or to any one or more other persons who—
 - (a) have entered into an agreement under section 13 below to accept the transfers; or
 - (b) otherwise appear to him to be persons in whom it is appropriate to vest the property, rights and liabilities in question;and the persons to whom a transfer may be made by virtue of paragraph (b) above shall include the Secretary of State himself.
- (3) The consent of the Treasury shall be required for the making of any scheme under this section ("a restructuring scheme").

Status: This is the original version (as it was originally enacted).

- (4) Subject to subsection (5) below, a restructuring scheme shall not, by virtue of subsection (2)(b) above, contain any provision in accordance with which any person other than—
- (a) the Secretary of State,
 - (b) the Authority,
 - (c) the Corporation or any of its wholly-owned subsidiaries, or
 - (d) a company wholly owned by the Crown,
- becomes entitled or subject to any property, rights or liabilities unless it appears to the Secretary of State that that person has consented to the provisions of the scheme so far as they relate to him.
- (5) Subsection (4) above shall not require the consent of any person to so much of any restructuring scheme as—
- (a) relates to property, rights or liabilities to which that person is already entitled or subject; and
 - (b) appears to the Secretary of State to be made for purposes that are no more than supplemental or incidental to the other provisions of the scheme.
- (6) It shall be the duty of the Secretary of State, in exercising his powers under this section to make a restructuring scheme in accordance with which any person other than—
- (a) a person mentioned in subsection (4)(a) to (d) above, or
 - (b) a body of whom all the members are appointed by a Minister of the Crown,
- is to become subject to any liabilities, to have regard to the fact that it would not be appropriate for the scheme to provide for the transfer of any of those liabilities to any person except where it is reasonable to believe that that person is a person who will be able to finance their discharge.
- (7) The Secretary of State—
- (a) shall retain and preserve a copy of every restructuring scheme made under this section; and
 - (b) at the request of any person who, in accordance with such a scheme, has become entitled to any interest or right in or in relation to any property, shall furnish that person with a list of the names and addresses of the other persons who have become entitled to interests or rights in or in relation to property in accordance with that or with any other such scheme.
- (8) Schedule 2 to this Act shall have effect with respect to restructuring schemes.