



Coal Industry Act 1994

1994 CHAPTER 21

PART I

RE-ORGANISATION OF COAL INDUSTRY

Reduction in membership and dissolution of the Corporation

23 Reduction in membership and dissolution of the Corporation.

- (1) As from such date as the Secretary of State may by order appoint—
- (a) the minimum number of members of the Corporation, in addition to the chairman, shall be one;
 - (b) the requirements of section 2(3) of the 1946 Act and section 1(2) of the ^{M1}Coal Industry Act 1949 as to the persons from amongst whom members of the Corporation are to be appointed shall cease to have effect;
 - (c) there shall be no requirement for a member of the Corporation to be appointed to act as its deputy chairman; and
 - (d) the Secretary of State may at any time, if he considers it appropriate to do so in consequence of the coming into force of any provision of this Act or of any restructuring scheme, by notice in writing remove from office any member of the Corporation, including the chairman;

and different dates may be appointed under this subsection for the purposes of its different paragraphs.

- (2) As soon after the restructuring date as it appears to the Secretary of State that it is no longer necessary for the Corporation to continue to exist, he may by order dissolve the Corporation on a day specified in the order (“the dissolution date”).
- (3) Where an order under subsection (2) above provides for the Corporation to be dissolved with effect from a time which would not, apart from this subsection, be the end of a financial year of the Corporation, the financial year of the Corporation which is current at that time shall be deemed to end at that time and that order may

Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1994, Section 23. (See end of Document for details)

contain such provision as the Secretary of State thinks fit for modifying the effect of any enactment with respect to—

- (a) the preparation of accounts for the financial year of the Corporation ending with its dissolution; and
 - (b) the making and laying before Parliament of a final report relating to the carrying out of the Corporation's functions during that financial year.
- (4) The Secretary of State shall consult the Corporation and the Authority before making an order dissolving the Corporation.
- (5) Where any person ceases, by virtue of any provision of this section, to be the chairman or a member of the Corporation before his term of office would otherwise have expired—
- (a) the Secretary of State shall, with the consent of the Treasury, determine an amount to be paid to that person by way of compensation for loss of office; and
 - (b) any amount determined under paragraph (a) above shall be paid to that person—
 - (i) in the case of loss of office by virtue of a notice under subsection (1) (d) above, by the Corporation; and
 - (ii) in the case of loss of office by virtue of the dissolution of the Corporation, by the Secretary of State out of money provided by Parliament.
- (6) Without prejudice to the generality of the powers conferred by virtue of section 12 above, where provision is made by any restructuring scheme for the transfer to any person of any liability of the Corporation under subsection (5) above or under subsection (6) of section 2 of the 1946 Act (salaries, pensions etc. for members), the subsection in question shall have effect subject to the transfer, and the transferred liability shall continue to have effect notwithstanding the coming into force on the dissolution date of any repeal made by this Act.
- (7) Any power to make an order under this section shall be exercisable by statutory instrument; and an order dissolving the Corporation shall not be amended or revoked by any order made on or after the dissolution date.

Subordinate Legislation Made

- P1** S. 23(2) power exercised: 27.3.2004 appointed as the dissolution date, see s. 68(3) and [S.I. 2004/144](#), art. 3

Commencement Information

- II** S. 23 partly in force: s. 23 not in force at Royal Assent but in force on the restructuring date, see s. 68; 31.10.1994 appointed as the restructuring date for the Act, see [S.I. 1994/2553](#), art. 2; S. 23(1)(a)(b)(c) (d) in force at 30.6.1995 by [S.I. 1995/1507](#), **art. 3**

Marginal Citations

- M1** [1949 c. 53](#).

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