



Coal Industry Act 1994

1994 CHAPTER 21

PART II

LICENSING OF COAL-MINING OPERATIONS

Supplemental

36 Insolvency of licensed operators etc.

- (1) A licence under this Part and the obligations arising out of, or incidental to, such a licence shall not be treated as property for any of the purposes of the ^{M1}Insolvency Act 1986 (“the 1986 Act”); but this subsection shall be without prejudice to so much of any licence as, by virtue of section 27(4) or (5) above, authorises the official receiver or any person who is for the time being acting as an insolvency practitioner in relation to the holder of the licence to carry on any of the coal-mining operations to which the licence relates or to transfer the rights and obligations of the holder of the licence to another person.
- (2) Where, in the case of the winding up of a company which is or has been a licensed operator, the liquidator or official receiver sends to the registrar of companies—
 - (a) any such account or return as is mentioned in section 94(3) or 106(3) of the 1986 Act (account of the winding up and return of final meeting or meetings),
 - (b) any notice for the purposes of section 172(8) of that Act (notice of final meeting and of its decisions),
 - (c) an application under section 202(2) of that Act (applications for early dissolution),
 - (d) a copy of such an order for dissolution of the company as is mentioned in section 204(4) of that Act (order for early dissolution in Scotland), or
 - (e) such a notice as is mentioned in section 205(1)(b) of that Act (notice that winding up complete),

the liquidator or official receiver, on sending it to the registrar of companies, shall also send a copy to the Authority.

Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1994, Section 36. (See end of Document for details)

- [^{F1}(2A) Where the administrator of a company which is or has been a licensed operator files a notice with the registrar of companies under paragraph 84(1) of Schedule B1 to the Insolvency Act 1986 (c. 45) (administration: moving to dissolution), he shall at the same time send a copy to the Authority.]
- (3) A liquidator [^{F2}or administrator] who contravenes subsection (2) [^{F3}or (2A)] above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (4) In any proceedings against any person for an offence under subsection (3) above it shall be a defence for that person to show that at the time of the contravention he did not know and had no grounds for suspecting that the company in question had ever been a licensed operator.
- (5) In the case of any company which is either—
- (a) the holder of a licence under this Part, or
 - (b) a licensed operator by virtue of section 25(3) above,
- the Authority shall be included in the persons who are entitled to make an application under [^{F4}section 1029 of the Companies Act 2006 (application to court for restoration to the register)] or under section 201(3), 202(5), 204(5) or 205(3) or (5) of the 1986 Act (applications in the case of a winding up for the deferment of a company’s dissolution).
- ^{F5}(6)
- (7) In this section “registrar of companies” has the same meaning as in [^{F6}the Companies Acts (see section 1060 of the Companies Act 2006)]; and the reference in subsection (1) above to a person’s acting as an insolvency practitioner shall be construed in accordance with section 388 of the 1986 Act.

Textual Amendments

- F1** S. 36(2A) inserted (15.9.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 17 para. 48\(2\)](#) (with s. 249(1)-(3)); S.I. 2003/2093, art. 2(1), Sch. 1 (with art. 3)
- F2** Words in s. 36(3) inserted (15.9.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 17 para. 48\(3\)\(a\)](#) (with s. 249(1)-(3)); S.I. 2003/2093, art. 2(1), Sch. 1 (with art. 3)
- F3** Words in s. 36(3) inserted (15.9.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 17 para. 48\(3\)\(b\)](#) (with s. 249(1)-(3)); S.I. 2003/2093, art. 2(1), Sch. 1 (with art. 3)
- F4** Words in s. 36(5) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 147\(2\)\(a\)](#) (with art. 10)
- F5** S. 36(6) omitted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 147\(2\)\(b\)](#) (with art. 10)
- F6** Words in s. 36(7) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 147\(2\)\(c\)](#) (with art. 10)

Marginal Citations

- M1** 1986 c. 45.

Changes to legislation:

There are currently no known outstanding effects for the Coal Industry Act 1994, Section 36.