



# Coal Industry Act 1994

## 1994 CHAPTER 21

### PART III

#### RIGHTS AND OBLIGATIONS IN CONNECTION WITH COAL MINING

##### *Withdrawal of support from land*

#### **39 Notices under section 38.**

- (1) A notice under section 38 above shall not be given except—
  - (a) by a person who on the relevant date of publication is a licensed operator and, as the holder of a licence under Part II of this Act, has an area of responsibility that consists of or includes all the land to which the notice relates; or
  - (b) by a person who on that date—
    - (i) is authorised by such a licence, or by virtue of subsection (3) of section 25 above, to carry on coal-mining operations to which that section applies; and
    - (ii) has the approval of the Authority for the giving of a notice relating to the land in question.
- (2) A notice under section 38 above—
  - (a) shall indicate the land to which it relates either by reference to a map or in any other manner which, in the circumstances, is sufficient to identify it;
  - (b) shall identify the person by whom the notice is given and summarise the respects in which the requirements of subsection (1) above are satisfied in relation to that person; and
  - (c) shall state that there are proposals to carry on coal-mining operations which may require the exercise in relation to that land of such a right as is mentioned in section 38(1) above.
- (3) A notice under section 38 above shall be given by being published—
  - (a) in the London Gazette or the Edinburgh Gazette, according to whether the land to which the notice relates is in England and Wales or in Scotland; and

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*Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1994, Section 39. (See end of Document for details)*

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- (b) at least once in each of two successive weeks, in newspapers circulating in the locality where that land is situated.
- (4) Not later than the relevant date of publication of a notice under section 38 above, the person giving that notice shall—
- (a) serve a copy of the notice on every planning authority within whose area or district any part of the land to which the notice relates is situated; and
  - (b) post a copy or copies of the notice in some conspicuous place or places on that land.
- (5) In subsection (4) above “planning authority” means any local planning authority within the meaning of the <sup>M1</sup>Town and Country Planning Act 1990 [<sup>F1</sup>]<sup>F2</sup>and any corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021],] or any planning authority within the meaning of Part IX of the <sup>M2</sup>Local Government (Scotland) Act 1973.

#### Textual Amendments

- F1** Words in s. 39(5) inserted (E.W.) (6.9.2015 for specified purposes, 7.1.2021 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 2 para. 18](#); S.I. 2021/7, reg. 2(c)
- F2** Words in s. 39(5) substituted (E.W.) (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 32](#)

#### Marginal Citations

- M1** 1990 c. 8.
- M2** 1973 c. 65.

**Changes to legislation:**

There are currently no known outstanding effects for the Coal Industry Act 1994, Section 39.