



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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- (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 Town and Country Planning Act 1990 or any planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973.