



Coal Industry Act 1994

1994 CHAPTER 21

PART III

RIGHTS AND OBLIGATIONS IN CONNECTION WITH COAL MINING

Withdrawal of support from land

41 Revocation of right to withdraw support.

- (1) Where the Authority gives a notice under this section in relation to any land to which section 38 above applies, that section shall cease to apply to that land in relation to any coal-mining operations carried on after the relevant date of publication.
- (2) The Authority shall not give a notice under this section unless it appears to the Authority that there is not for the time being any person who is authorised, by a licence under Part II of this Act or by virtue of section 25(3) above, to carry on coal-mining operations which might involve the withdrawal of support from the land in question.
- (3) A notice under this section—
 - (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 state that section 38 above is to cease to apply to the land; and
 - (c) shall be given by being published—
 - (i) 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
 - (ii) 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 this section, the Authority shall 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.

Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1994, Section 41. (See end of Document for details)

(5) Subsection (1) above shall be subject to the effect of any notice under section 38 above which is given at any time after the relevant date of publication of the notice under this section.

(6) In this section—

“planning authority” means any local planning authority within the meaning of the ^{M1}Town and Country Planning Act 1990 [^{F1}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],^{F2} or any planning authority within the meaning of Part IX of the ^{M2}Local Government (Scotland) Act 1973; and

“relevant date of publication”, in relation to a notice under this section, means whichever is the later of—

- (a) the date of the publication of the notice in the London or Edinburgh Gazette; and
- (b) the date of the first of the publications of that notice for the purposes of subsection (3)(c)(ii) above.

Textual Amendments

- F1** Words in s. 41(6) 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. 19](#); S.I. 2021/7, reg. 2(c)
- F2** Words in s. 41(6) substituted (E.W.) (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(e), [Sch. 9 para. 33](#)

Marginal Citations

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

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