



Coal industry Act 1994

1994 CHAPTER 21

PART IV

GENERAL AND SUPPLEMENTAL

Information provisions

58 Liability for inaccurate information furnished to the Authority

- (1) This section applies where the conditions of a licence under Part II of this Act contain provision stating—
- (a) that information of a specified description which is furnished to the Authority in pursuance of the conditions of the licence may be disclosed by the Authority for specified purposes in pursuance of arrangements under section 57 above; and
 - (b) that any information of that description that is disclosed by the Authority for any of those purposes is to be treated, for the purposes of this section, as information whose accuracy the operator has undertaken to secure.
- (2) The licensed operator shall owe a duty to the Authority and to every person likely to be affected by any inaccuracy in information disclosed by the Authority for any of the specified purposes to exercise all due diligence to secure—
- (a) that the Authority is furnished, in accordance with the conditions of the licence, with all the information of the specified descriptions which the operator is required by those conditions to furnish to the Authority; and
 - (b) that the information of those descriptions which is furnished by the operator to the Authority is accurate in every material particular.
- (3) Where a duty is owed by any person to another person by virtue of subsection (2) above, any breach of that duty which causes that other person to sustain loss or damage shall be actionable against the person in breach at the suit or instance of the other person.

Status: This is the original version (as it was originally enacted).

- (4) A person shall not be liable for any breach of a duty mentioned in subsection (2) above except—
- (a) in respect of a disclosure of information made by the Authority for a specified purpose; and
 - (b) to the Authority or the person to whom the disclosure was made.
- (5) This section shall be without prejudice to the liability of any person for breach of the duty to comply with an enforcement order (within the meaning of Part II of this Act).