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STATUTORY INSTRUMENTS

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**1994 No. 3062**

**COAL INDUSTRY**

**The Doncaster Area Drainage Act  
1929 (Amendment) Order 1994**

*Made - - - - 1st December 1994*  
*Laid before Parliament 1st December 1994*  
*Coming into force - - 24th December 1994*

The Secretary of State, in exercise of the powers conferred upon him by section 67(2) and (3) of the Coal Industry Act 1994<sup>(1)</sup>, and all other powers enabling him in that behalf, hereby makes the following Order:—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Doncaster Area Drainage Act 1929 (Amendment) Order 1994 and shall come into force on 24th December 1994.

(2) In this Order—

“the 1929 Act” means the Doncaster Area Drainage Act 1929<sup>(2)</sup>; and

“drainage works” includes fixed plant and machinery.

**Amendments to 1929 Act**

2. In section 10 of the 1929 Act—

(a) in subsection (1), at the beginning there shall be inserted the words “Subject to subsection (6) below,”; and

(b) there shall be inserted the following subsection—

“(6) The obligations imposed by this section shall not apply in respect of such coal mines (within the meaning of the Coal Industry Act 1994) in respect of which interests have vested in the Coal Authority by virtue of section 7(3) of that Act.”.

3. After section 10 of the 1929 Act there shall be inserted the following section—

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(1) 1994 c. 21.  
(2) 1929 c.xvii.

**“Obligation of Coal Authority to maintain abandoned coal mines**

**10A.**—(1) Where any coal mine (within the meaning of the Coal Industry Act 1994) an interest in which has vested in the Coal Authority by virtue of section 7(3) of that Act—

- (i) has at the date of such vesting permanently ceased to be worked; or
- (ii) at any time after the date of such vesting permanently ceases to be worked,

the Coal Authority shall maintain in proper condition any drainage works at any time constructed under section 9 in respect of that mine.

(2) The Coal Authority may by notice served on the National Rivers Authority require any of such drainage works as are mentioned in the previous subsection specified in the notice to be transferred to the National Rivers Authority on such terms and subject to such conditions as may be agreed between the Coal Authority and the National Rivers Authority or, in default of agreement, as may be determined as mentioned in the following subsection.

(3) If any dispute arises between the Coal Authority and the National Rivers Authority as to—

- (a) whether or not any mine has permanently ceased to be worked, or
- (b) the terms and conditions subject to which any of such drainage works as aforesaid shall vest in the National Rivers Authority,

the dispute shall, on the application either of the Coal Authority or the National Rivers Authority, be referred to and determined by an arbitrator agreed for that purpose or, in default of such agreement, appointed by the President of the Institute of Civil Engineers.

(4) Any reference to arbitration in pursuance of subsection (3) shall be deemed to be a reference under an arbitration agreement for the purposes of the Arbitration Acts 1950 to 1979.

(5) Any drainage works to which a notice under subsection (2) above relates shall vest in and become the property of the National Rivers Authority; and such vesting shall take effect on the expiry of six months from the date when agreement as to the terms and conditions was reached in accordance with subsection (2) above or, in the event of a dispute which is referred to arbitration in accordance with that subsection, from the date of the award of the arbitrator; and on such vesting the obligation of the Coal Authority to maintain those works in accordance with subsection (1) above shall cease.”.

**4.**—(1) In section 11(1) of the 1929 Act—

- (a) after the words “this Part of this Act” there shall be inserted the words “, other than section 10A,”; and
- (b) for the words “the last foregoing section” there shall be substituted the words “section 10”.

(2) In section 11(2)(e) of the 1929 Act, there shall be inserted at the end the words “(except where the dispute arises as between the parties mentioned in section 10A(3))”.

Department of Trade and Industry  
1st December 1994

*Charles Wardle*  
Parliamentary Under Secretary for Industry and  
Energy,

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Doncaster Area Drainage Acts 1929 and 1933 impose obligations on mine owners to construct and maintain, and provide funds for the construction and maintenance of, drainage works. The Acts provide for the transfer of the works and funds to the National Rivers Authority (which exercises the functions of the former Ouse and Trent Catchment Boards) in the event of a mine permanently ceasing to be worked.

This Order amends the 1929 Act so as to oblige the Coal Authority to maintain in proper condition those drainage works constructed under the Act in respect of coal mines which vest in it by virtue of section 7(3) of the Coal Industry Act 1994 and which permanently cease, or have already permanently ceased, to be worked. The Coal Authority may, however, take steps specified in the new section, to vest the works in the National Rivers Authority and to end the Coal Authority's liability to maintain them.