
STATUTORY INSTRUMENTS

1994 No. 3065

COAL INDUSTRY

**The Aire and Calder Navigation
Act 1992 (Amendment) Order 1994**

<i>Made</i>	- - - -	<i>1st December 1994</i>
<i>Laid before Parliament</i>		<i>1st December 1994</i>
<i>Coming into force</i>	- -	<i>24th December 1994</i>

The Secretary of State, in exercise of the powers conferred on him by section 67(2), (3) and (4) of the Coal Industry Act 1994⁽¹⁾, and all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order shall be cited as the Aire and Calder Navigation Act 1992 (Amendment) Order 1994 and shall come into force on 24th December 1994.

(2) In this Order—

“the 1992 Act” means the Aire and Calder Navigation Act 1992⁽²⁾; and

“licensed operator” includes a person who is the holder of a licence which provides for the coming into force of the authorisation contained in the licence to be postponed as mentioned in section 27(3)(a) of the Coal Industry Act 1994; and in relation to such a person, references in this Order to a licensed operator who is authorised to carry on coal-mining operations shall be construed accordingly.

Amendment of Aire and Calder Navigation Act 1992

2.—(1) Subject to the following provisions of this Order, the 1992 Act shall have effect on and after the date on which this Order comes into force with the substitution, for references to the British Coal Corporation, of references to the licensed operator who is for the time being authorised to carry on coal-mining operations in relation to the site referred to in the title to the 1992 Act.

(2) Accordingly, the 1992 Act shall have effect so that, on a person other than the British Coal Corporation first becoming the licensed operator authorised as mentioned in paragraph (1) above—

(1) 1994 c. 21.
(2) 1992 c.iv.

- (a) all the rights and liabilities of the British Coal Corporation under the 1992 Act shall be transferred to that person (hereafter referred to as “the successor”); and
 - (b) anything which—
 - (i) has been done under or for any of the purposes of the 1992 Act by or in relation to the British Coal Corporation, or
 - (ii) is deemed to have been so done,shall be deemed, so far as necessary for that purpose and for the purposes of the continuation by or against the successor of any proceedings under or for the purposes of that Act, to have been done by or in relation to the successor.
- (3) Paragraph (2) above shall have effect in relation to the second and any subsequent persons who become the licensed operator authorised as mentioned in paragraph (1) above as if—
- (i) the references to the British Coal Corporation were references to the previous licensed operator who was so authorised, and
 - (ii) the references to the successor were references to the second and any subsequent licensed operators who become so authorised, as appropriate.
3. In section 37 of the 1992 Act, there shall be inserted the following paragraph—
- “(3) The duties in subsection (1) above shall be enforceable in respect of the licensed operator in question in the same manner as they were enforceable against the British Coal Corporation before the date appointed as the restructuring date for the purposes of section 7 of the Coal Industry Act 1994(3).”.
4. Section 45 of the 1992 Act shall cease to have effect.

Department of Trade and Industry
1st December 1994

Charles Wardle
Parliamentary Under Secretary for Industry and
Energy,

(3) 1994 c. 21. By virtue of S.I.1994/2553, the date so appointed is 31st October 1994.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

The Aire and Calder Navigation Act 1992 confers certain rights with associated liabilities on the British Coal Corporation in respect of the St. Aidan's Remainder Site. This Order transfers these rights and liabilities to British Coal's successor as licensed operator under the Coal Industry Act 1994 and any subsequent successors.