
STATUTORY INSTRUMENTS

1995 No. 2645

COAL INDUSTRY

The Blyth Harbour Act 1986 (Amendment) Order 1995

Made - - - - *9th October 1995*
Laid before Parliament *12th October 1995*
Coming into force - - *10th November 1995*

The Secretary of State, in exercise of the powers conferred upon him by section 67(2) and (3) of the Coal Industry Act 1994⁽¹⁾ and of 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 Blyth Harbour Act 1986 (Amendment) Order 1995 and shall come into force on 10th November 1995.

(2) In this Order —

“the 1986 Act” means the Blyth Harbour Act 1986.⁽²⁾

Amendments to the 1986 Act

2. The 1986 Act is amended —

- (a) in section 3(1) and section 5(2) by the substitution for “the reconstitution date” of “1st January 1996”;
- (b) in section 3(2)(a) by the substitution for “the National Coal Board”⁽³⁾ of “relevant bodies”;
- (c) by the insertion after section 3(2) of:

“(2A) A body is a relevant body for the purposes of subsection(2)(a) above if —

- (a) it is not a user described in subsection (2)(b) above;
- (b) it has consented in writing to appoint a Commissioner or Commissioners (as the case may be) at the written request of the Commissioners appointed under subsection (2)(b) to (f) above;

(1) 1994 c. 21.

(2) 1986 c.xxi.

(3) Section 1(3) of the Coal Industry Act 1987, c. 3 provides that for any reference to the National Coal Board in any instrument there shall, as respects any time after 5 March 1987, be substituted a reference to the British Coal Corporation; that section 1 is prospectively repealed by the Coal Industry Act 1994, section 67(8) and Schedule 11, Part IV.

- (c) it is a company or firm which in the opinion of those Commissioners is a significant user of the facilities at the harbour or is significantly engaged in or connected with trade through the harbour; and
- (d) the consent is for the time being in force.

(2B) A consent under subsection (2A)(b) above —

- (a) may be withdrawn by notice in writing to the Secretary to the Commissioners; and
- (b) shall lapse three years after it is given;

but such withdrawal or lapse shall not affect the continuance in office in accordance with section 5 of this Act of any Commissioner previously appointed by the body concerned.

(2C) It shall be the duty of the Commissioners appointed under subsection (2)(b) to (f) above as soon as reasonably practicable after:

- (a) the 10th November 1995; or,
- (b) the 1st January of any year in which the terms of office of the Commissioners appointed by relevant bodies expire; or,
- (c) the withdrawal by notice in writing referred to in subsection(2B)(a) above,

(as the case may be) to take all reasonable steps necessary to obtain the consents referred to in subsection (2A)(b)above.”; and,

- (d) in section 5(1) by the substitution for “the sixth day preceding the reconstitution date” of “1st December 1995”.

Department of Trade and Industry
9th October 1995

Richard Page
Parliamentary Under Secretary of State for Small
Business, Industry and Energy,

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)

This Order amends sections 3 and 5 of the Blyth Harbour Act 1986 so as to make provision for the appointment of certain Commissioners following the re-organisation of the coal industry by the Coal Industry Act 1994.