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

SCHEDULES

SCHEDULE 7

RETAINED INTERESTS IN COPYHOLD LAND

PART II

OTHER PROVISIONS

Saving for rights to dispose of retained interests

- 10 Subject to paragraph 8(3) above and to any provision applied by paragraph 12 below, neither—
- (a) the publication on or after the restructuring date of any notice for the purposes of section 49 of this Act, nor
 - (b) any publication before that date of a notice under section 3 of the 1975 Act, shall prevent any person from acquiring by agreement any retained interest in any coal or coal mine comprised in or lying under land in the area to which the notice relates.

Pre-1975 Act orders under the Mines (Working Facilities and Support) Act 1966

- 11 (1) If—
- (a) by virtue of an order under section 1 of the ^{M1}Mines (Working Facilities and Support) Act 1966 or of any agreement, the Corporation was entitled on 31st August 1975 to work any coal or to use any coal mine in which a retained interest subsisted at that time,
 - (b) that entitlement has continued throughout the period since that date as an entitlement of the Corporation or, at different times, of the Corporation and a person to whom the Corporation's rights have been transferred in accordance with a restructuring scheme, and
 - (c) the Corporation or such a person is still so entitled,
- then section 49 of this Act shall not apply with respect to that coal or coal mine or to any retained interest therein except in relation to matters unconnected with the exercise of that entitlement.
- (2) Where—
- (a) a notice given on or after the restructuring date for the purposes of section 49 of this Act specifies any area, and
 - (b) at the time when the notice was published, the conditions mentioned in sub-paragraph (1) above were satisfied in relation to any coal or coal mine comprised in, or lying under, land in that area,
- so much of that land as consists of that coal or coal mine shall be deemed to be excluded from that area.

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- (3) If notice of a retained interest is given in pursuance of a relevant invitation at a time when the conditions mentioned in sub-paragraph (1) above were satisfied in relation to any coal or coal mine comprised in or lying under the land in which that interest subsists, then for the purpose of determining the amount of any compensation under this Schedule, that interest, so far as it relates to that coal or mine, shall be treated as no longer subsisting.
- (4) In sub-paragraph (3) above “a relevant invitation” means an invitation contained by virtue of—
- (a) subsection (3)(d) of section 50 of this Act, or
 - (b) subsection (3)(b) of section 3 of the 1975 Act,
- in a notice for the purposes of section 49 of this Act or, as the case may be, in a notice under section 3 of that Act.

Marginal Citations

M1 1966 c. 4.

Transitional provisions

- 12 (1) On and after the restructuring date, the following provisions (which broadly correspond to the provisions of Part I of this Schedule), that is to say—
- (a) subsections (4) to (6) and (8)(b) of section 3 of the 1975 Act, and
 - (b) Schedule 2 to that Act, other than paragraph 10,
- shall have effect, notwithstanding their repeal by this Act and instead of Part I of this Schedule, in relation to any case where a notice of a retained interest was given before the restructuring date in pursuance of an invitation contained, by virtue of subsection (3)(b) of that section, in any notice under that section.
- (2) On and after the restructuring date, subsection (8)(a) of section 3 of the 1975 Act (which makes provision equivalent to sub-paragraph (2) of paragraph 11 above) shall have effect, notwithstanding its repeal by this Act and instead of that sub-paragraph, for the purpose of determining the area to which any notice under that section relates.
- (3) Sub-paragraph (1) above shall be subject to so much of any restructuring scheme as makes provision for the transfer to any other person, as from the restructuring date or any subsequent date, of the Corporation’s rights and liabilities by virtue of the provisions having effect in accordance with that sub-paragraph.

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