



Coal industry Act 1994

1994 CHAPTER 21

PART I

RE-ORGANISATION OF COAL INDUSTRY

The Corporation's exploitation rights

10 Protection for certain interests in coal and coal mines

- (1) This section applies to any coal or coal mine the ownership of which—
 - (a) is vested in the Corporation immediately before the restructuring date; and
 - (b) has not, at any time on or after that date, become vested in a person other than the Corporation or the Authority by virtue of being conveyed or transferred to that person either—
 - (i) by the Authority or the Corporation; or
 - (ii) in accordance with a scheme under section 12 below.
- (2) No interest or right adverse to the title of the Authority or the Corporation in any coal or coal mine to which this section applies shall be capable of being acquired—
 - (a) under section 15 or 17 of the Limitation Act 1980 (time limits on actions to recover land and extinction of titles); or
 - (b) under section 1 or 2 of the Prescription and Limitation (Scotland) Act 1973 (prescriptive possession on *ex facie* valid deed).
- (3) Subject to section 13(8) of the Gas Act 1965 (compulsory purchase for purposes of underground gas storage), where any power to acquire land compulsorily is conferred by or under any enactment (including, unless it otherwise provides, an enactment passed after this Act), that power shall not be exercisable on or after the restructuring date in respect of any coal or coal mine to which this section applies except in so far as—
 - (a) the coal is coal that it is necessary to dig or carry away in the course of operations for the purposes of which the power is conferred; or

Status: This is the original version (as it was originally enacted).

- (b) the coal mine is one that it is necessary to use in the course of any such operations.
- (4) Subsections (2) and (3) above, in their application to England and Wales, shall not restrict the acquisition as mentioned in either of those subsections of any such liberty, privilege, easement, advantage or other right as adversely affects any coal or coal mine to which this section applies and is either annexed to any land or, without being so annexed, is acquired under any enactment.
- (5) Subsection (3) above, in its application to Scotland, shall not restrict the acquisition, as mentioned in that subsection—
- (a) of any such servitude as adversely affects any coal or coal mine to which this section applies; or
 - (b) of any other right so affecting (but not adverse to the title in) such coal or coal mine.
- (6) For the purposes of subsection (4) above the reference to a liberty, privilege, easement, advantage or other right being annexed to any land is a reference to its appertaining to that land or any part of it, to its being demised, occupied or enjoyed with that land or any part of it or to its being reputed or known as part or parcel of the land or as appurtenant to the land or to any part of it.
- (7) The reference in subsection (1) above to the ownership of any coal or coal mine is a reference—
- (a) in relation to England and Wales, to the interest of the freehold owner of that coal or coal mine; and
 - (b) in relation to Scotland, to the interest as respects that coal or coal mine of proprietor of the *dominium utile*.