



Coal industry Act 1994

1994 CHAPTER 21

PART II

LICENSING OF COAL-MINING OPERATIONS

Licences under Part II

26 Grant of licences

- (1) Subject to subsection (6) below, it shall be the Authority which shall have the power to grant a licence under this Part.
- (2) An application for a licence under this Part may be made by any person who has acquired, or is proposing to acquire, (whether from the Authority or some other person) —
 - (a) such an interest in land comprised in the area with respect to which the application is made, or
 - (b) such rights in relation to coal in that area,as, apart from the need for a licence, would entitle him to carry on the coal-mining operations to which the application relates.
- (3) Where any area of Great Britain, of the territorial sea adjacent to Great Britain or of the continental shelf is one—
 - (a) interests or rights in or in relation to the whole or any part of which may be acquired (in addition to any such rights as may be contained in a licence under this Part) from the Authority, and
 - (b) in relation to which the Authority considers that it is appropriate to do so,the Authority may issue such specific or general invitations as it thinks fit for applications or, as the case may be, further applications to be made in respect of that area for the grant of licences under this Part.
- (4) An applicant for a licence under this Part shall pay to the Authority such fee (if any) in respect of the Authority's handling of that application as, having regard to—

Status: This is the original version (as it was originally enacted).

- (a) the nature of the application, and
 - (b) any information published under section 30 below with respect to the fixing of the fees for handling applications,
- the Authority may reasonably require.
- (5) Without prejudice to the Authority's power (subject to its duties under sections 2 to 4 above) to take into account all such factors as it thinks fit in determining whether, and subject to what conditions, to grant a licence under this Part, the factors that may be taken into account shall include, in particular, the terms on which the applicant, or any other applicant with respect to the same area, is offering to acquire from the Authority any such interests or rights as are mentioned in subsection (2) above.
- (6) Where—
- (a) provision is made by any restructuring scheme for any interest or rights in or in relation to any coal or coal mine to be created in any person's favour or to be transferred to any person, and
 - (b) that person requires the interest or rights for the purpose of enabling him to continue, resume or begin the carrying on (whether from the coming into force of the scheme or from some future time) of any coal-mining operations,
- this Act shall have effect as if the Secretary of State, as well as the Authority, was entitled, at any time before the coming into force of the scheme, to exercise the Authority's power to grant a licence to that person authorising the carrying on of those operations and, for that purpose, was entitled to act on the Authority's behalf in the exercise of any of its other powers.