



Coal industry Act 1994

1994 CHAPTER 21

PART II

LICENSING OF COAL-MINING OPERATIONS

Enforcement

32 Procedural requirements for enforcement orders

(1) Before making a final enforcement order or confirming a provisional enforcement order, the Authority shall give notice—

- (a) stating that the Authority proposes to make or confirm the order and setting out its effect;
- (b) setting out—

- (i) any condition of a licence for the purpose of securing compliance with which the order is to be made or confirmed;
- (ii) the acts or omissions which, in the Authority's opinion, constitute or would constitute contraventions of section 25(1) above or, as the case may be, that condition; and
- (iii) any other matters which, in the Authority's opinion, justify the making or confirmation of the order;

and

- (c) specifying the period (not being less than twenty-eight days from the date of the service of the notice on the person to whom it relates) within which representations or objections with respect to the proposed order or proposed confirmation may be made;

and, before making or confirming the order, the Authority shall consider any representations or objections which are duly made and not withdrawn.

(2) A notice under subsection (1) above shall be given—

- (a) by serving it, together with a copy of the proposed order or of the order as proposed to be confirmed, on the person to whom the order relates; and

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- (b) by taking such steps (if any) for publishing a copy of the notice as the Authority considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them and of enabling them to make representations and objections within the period specified in the notice.
- (3) The Authority, having given notice under subsection (1) above, shall not make the final enforcement order with modifications that are not contained in the notice or confirm the provisional enforcement order with any such modifications, except—
 - (a) with the consent to the modifications of the person to whom the order relates; or
 - (b) after complying with the requirements of subsection (4) below.
- (4) The requirements mentioned in subsection (3) above are that the Authority shall—
 - (a) serve on the person to whom the order relates such notice as appears to the Authority requisite of its proposal to make or confirm the order with modifications;
 - (b) in that notice specify the period (not being less than twenty-eight days from the date of its service on the person to whom the order relates) within which representations or objections with respect to the proposed modifications may be made;
 - (c) take such steps (if any) for publishing a copy of the notice as it considers appropriate for the purpose of bringing the proposal to the attention of persons likely to be affected by it and of enabling them to make representations and objections within the period specified in the notice; and
 - (d) consider any representations or objections which are duly made and not withdrawn.
- (5) As soon as practicable after making a final enforcement order or making or confirming a provisional enforcement order, the Authority shall—
 - (a) serve a copy of the order or, as the case may be, of the order as confirmed on the person to whom it relates; and
 - (b) take such steps (if any) for publishing notice of the order and, where the case so requires, of its confirmation and any modifications subject to which it is confirmed as the Authority considers appropriate for the purpose of bringing the matters contained in the notice to the attention of persons likely to be affected by them.
- (6) Before revoking an enforcement order, other than an unconfirmed provisional enforcement order, the Authority shall give notice—
 - (a) stating that it proposes to revoke the order and setting out the effect of the order; and
 - (b) specifying the period (not being less than twenty-eight days from the date of the service of the notice on the person to whom the order relates) within which representations or objections with respect to the proposed revocation may be made;and, before revoking the order, the Authority shall consider any representations or objections which are duly made and not withdrawn.
- (7) If, after giving a notice under subsection (6) above, the Authority decides not to revoke the order to which the notice relates, it shall give notice of its decision.
- (8) A notice under subsection (6) or (7) above shall be given—

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- (a) by serving it on the person to whom the order relates; and
- (b) by taking such steps (if any) for publishing a copy of the notice as the Authority considers appropriate for the purpose of bringing the matters contained in the notice to the attention of persons likely to be affected by them and, in the case of a notice under subsection (6) above, of enabling them to make representations and objections within the period specified in the notice.