



Coal industry Act 1994

1994 CHAPTER 21

PART II

LICENSING OF COAL-MINING OPERATIONS

Enforcement

33 Validity and effect of enforcement orders

- (1) If the person to whom an enforcement order relates is aggrieved by the order and desires to question its validity on the ground—
 - (a) that its making or confirmation was not within the powers conferred by section 31 above, or
 - (b) that any of the requirements of section 32 above have not been complied with in relation to it,

he may, within forty-two days from the date of service on him of a copy of the order or, as the case may be, of the order as confirmed, make an application to the court under this section.

- (2) On any such application the court may, if satisfied that the making or confirmation of the order was not within those powers or that the interests of the applicant have been substantially prejudiced by a failure to comply with those requirements, quash the order or any provision of the order.
- (3) Except as provided by this section, the validity of an enforcement order shall not be questioned by any legal proceedings whatever.
- (4) The obligation to comply with an enforcement order shall be a duty owed to any person who may be affected by a contravention of the order.
- (5) Where a duty is owed by any person to another person by virtue of subsection (4) above, any breach of the duty which causes that other person to sustain loss or damage shall be actionable against the person in breach at the suit or instance of that other person.

Status: This is the original version (as it was originally enacted).

- (6) In any proceedings brought against any person in pursuance of subsection (5) above, it shall be a defence for him to show that he took all reasonable steps and exercised all due diligence to avoid the contravention of the order.
- (7) Without prejudice to any right which any person may have by virtue of subsection (4) or (5) above to bring civil proceedings in respect of any contravention or apprehended contravention of an enforcement order, compliance with any such order shall be enforceable by civil proceedings by the Authority for an injunction or for interdict or for any other appropriate relief.
- (8) In this section and section 34 below “the court” means the High Court in relation to England and Wales and the Court of Session in relation to Scotland.