



Coal industry Act 1994

1994 CHAPTER 21

PART I

RE-ORGANISATION OF COAL INDUSTRY

The Corporation's exploitation rights

9 Exploitation rights: oil and gas

- (1) It is hereby declared, without prejudice to section 10(2) of the Petroleum (Production) Act 1934 (petroleum set free in the course of mining and other lawful operations), that the interests and rights which are vested or deemed to be vested in the Corporation immediately before the restructuring date do not include—
 - (a) any interest in, or any entitlement to an interest in, any oil or gas which, in its natural condition in strata, is or becomes absorbed in or adsorbed to any coal; or
 - (b) any right, without a licence under section 2 of that Act of 1934, to search for, bore for or get any oil or gas which is or becomes so absorbed or adsorbed.
- (2) Accordingly, nothing in any enactment or subordinate legislation relating to interests or rights in or in relation to any coal, or in or in relation to any oil or gas, shall be taken to have prevented any such interest or entitlement as is mentioned in subsection (1)(a) above from having become by virtue of any enactment or subordinate legislation, or from continuing to be, an interest or entitlement of the Crown.
- (3) The exclusions confirmed by virtue of the preceding provisions of this section from the interests and rights which are vested or deemed to be vested in the Corporation immediately before the restructuring date shall not, in the case of any coal won, worked, treated or got in pursuance of any of those interests or rights, be taken to have, or at any time to have had, the effect of giving rise to any liability in respect of the winning, working, treatment, getting or disposal of—
 - (a) any of that coal having oil or gas occluded in it at the time of its being brought from the strata to the surface or, as the case may be, of its treatment in the strata; or

Status: This is the original version (as it was originally enacted).

(b) any product of that coal resulting from any such treatment.

(4) So long as the Authority retains—

- (a) the interest of a freehold owner in any coal or coal mine vested in it by virtue of section 7(3) above, or
- (b) in Scotland, the interest of proprietor of the *dominium utile* as respects any such coal or coal mine,

the ownership of the coal or coal mine or, as the case may be, the possession of the interest of such a proprietor shall entitle the Authority to grant such rights in relation to that coal or coal mine as are required by any person for the purpose, under the authority of any licence which has been or may be granted to that person under section 2 of the Petroleum (Production) Act 1934, of searching for, boring for or getting any oil or gas in that coal or coal mine.

(5) The grant under subsection (4) above to any person of any rights—

- (a) shall, in favour of that person, bind any other person who has or acquires an interest or right in or in relation to the coal or coal mine in question; but
- (b) shall be without prejudice, in a case where there is a person other than the Authority with an interest or right in that coal or coal mine at the time of the grant, to any such person's rights as against the Authority in respect of—
 - (i) any interference by virtue of the grant with the enjoyment of his interest or right; or
 - (ii) any contravention of an undertaking given in relation to that interest or right.

(6) In this section “oil or gas” means—

- (a) any mineral oil or any relative hydrocarbon which, in its natural state, is not a solid; or
- (b) methane or any other natural gas.