



Coal Act 1943

1943 CHAPTER 38 6 and 7 Geo 6

PART I

AMENDMENTS OF PART I OF THE COAL ACT 1938

1 Retained interests of persons working minerals other than coal.

Notwithstanding anything in paragraph (b) of subsection (2) of section five of the principal Act (which provides that interests arising under a coal mining lease shall not be retained interests where neither the lessee nor any person claiming under him is a person carrying on the business of coal mining and having a substantial beneficial interest in the exercise of the rights conferred by the lease), interests arising under a coal mining lease, where at the vesting date the lessee or some person claiming under him had a substantial beneficial interest in the exercise of the said rights but was not carrying on the business of coal mining, shall be, and be deemed always to have been, retained interests, if—

- (a) a substantial part of the business of the lessee or the said person, as the case may be, consisted at the vesting date of getting (whether by underground or surface working) and carrying away minerals or substances, other than coal, in or under land; and
- (b) no claim for compensation in respect of the interests so arising has been made under section seven of the principal Act.

2 Rents for underground wayleaves not to be affected by unification of ownership.

- (1) Where in any lease of or comprising a mine of coal and subsisting on the vesting date there is contained a provision to the effect that—
 - (a) rent shall be payable thereunder in respect of coal carried away through the mine after being got from land not comprised in the lease; or
 - (b) the amount of any rent payable thereunder, whether or not in respect of such coal as aforesaid, shall be ascertained wholly or partly by reference to the amount of such coal as aforesaid;

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but being a provision applying only in relation to coal got from land for the time being in a different ownership from the mine, then, as respects coal got after the vesting date, the lease shall have effect as if the provision applied in relation to coal so carried away which has been got from all such land not comprised in the lease as was in a different ownership from the mine immediately before the vesting date.

- (2) For the purposes of this section, a provision contained in a document varying or supplementing a lease shall be treated as if it were contained in the lease.
- (3) This section shall be deemed to have had effect as from the vesting date.

3 Costs in connection with severance of leases.

The proviso to subsection (3) of section eleven of the principal Act (which provides that the arbitrator or the Court may direct that the Commission shall not be liable to pay costs in connection with the severance of a lease incurred by a person who appears to the Court to have been unreasonable or guilty of negligence or default) shall have effect as if for the words “who appears to the Court” there were substituted the words “who appears to the arbitrator or the Court.”

Modifications etc. (not altering text)

C1 The text of s. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

4—6. **F1**

Textual Amendments

F1 Ss. 4—6 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. X](#)

7 **F2**

Textual Amendments

F2 S.7 repealed with savings by [Mines \(Working Facilities and Support\) Act 1966 \(c. 4\)](#), s. 15(2), [Sch. 1](#)

8—10. **F3**

Textual Amendments

F3 Ss. 8—10 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. X](#)

11 **F4**

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Textual Amendments

F4 S. 11 repealed with saving by [Coal Industry Act 1975 \(c. 56\)](#), s. 7(1), **Sch. 5**

12, 13. **F5**

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Textual Amendments

F5 Ss. 12, 13, 15, 16, **Sch. 1** repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), **Sch. 1 Pt. X**

Status:

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