



# Coal Industry Act 1977

## 1977 CHAPTER 39

An Act to increase the limit on the borrowing powers of the National Coal Board, to provide for grants by the Secretary of State to the Board and other persons, to extend the Board's powers and the power to provide pensions and other benefits under the Coal Industry Nationalisation Act 1946. [29th July 1977]

### Extent Information

**E1** For extent of this Act see [s. 16](#)

### *Finance*

#### <sup>F1</sup> **Borrowing powers of National Coal Board.**

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### Textual Amendments

**F1** S. 1 repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), [Sch. 11 Pt. 3](#); S.I. 2004/144, art. 2, Sch.

#### **2, 3.** ..... <sup>F2</sup>

### Textual Amendments

**F2** [Ss. 2, 3](#) repealed by [Coal Industry Act 1983 \(c. 60, SIF 86\)](#), s. 2(3), [Sch.](#)

#### **4** ..... <sup>F3</sup>

*Status: Point in time view as at 27/03/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1977. (See end of Document for details)*

**Textual Amendments**

**F3** S. 4 repealed by [Coal Industry Act 1980 \(c. 50, SIF 86\)](#), **s. 11(2)**

5 ..... **F4**

**Textual Amendments**

**F4** S. 5 repealed by [Coal Industry Act 1980 \(c. 50, SIF 86\)](#), **s. 11(2)**

6 ..... **F5**

**Textual Amendments**

**F5** S. 6 repealed, but without prejudice to the payment of any grant under that section in respect of relevant expenditure actually incurred during any period specifically in subsection (3) of that section, by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), ss. 4(1), 10(3), **Sch. 3 Pt. I**

**7 Payments to redundant workers.**

(1) For the purpose of providing assistance to persons made redundant by the closure of coal mines [<sup>F6</sup>or coking plants], the reduction in the number of persons employed thereat or the consequent reduction in ancillary services and facilities the Secretary of State may make a scheme providing for the making of payments to or in respect of persons of any prescribed class who at any time between 17th July 1967 and [<sup>F7</sup>29th March 1987]—

- (a) are employed at a coal mine or at any place of a prescribed class used for providing services or facilities ancillary to the working of one or more coal mines, [<sup>F8</sup>or
- (b) are employed by any person carrying on in Great Britain a business which consists wholly or mainly of the production of coke and are so employed either at a coking plant or at any place of a prescribed class used for providing services or facilities ancillary to the operation of one or more coking plants;

and who in either case] become redundant within the meaning of the scheme in such circumstances as may be prescribed.

(2) The payments to be made under a scheme under this section shall be either—

- (a) payments by the Secretary of State to persons to whom the scheme applies in accordance with subsection (1) above, or
- (b) payments by the Secretary of State to the [<sup>F9</sup>Corporation] in respect of the carrying out by the [<sup>F9</sup>Corporation] of arrangements relating to concessionary coal.

(3) ..... **F10**

(4) The aggregate amount of the payments made by the Secretary of State under this section and section 3 of the Act of 1967 during the financial years of the

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[<sup>F9</sup>Corporation] ending in March 1974, 1975, 1976, 1977 and 1978 shall not exceed £100 million.

[<sup>F11</sup>(5) The aggregate amount of the payments made by the Secretary of State under this section during the financial years of the [<sup>F12</sup>Corporation] ending in March 1979, 1980, 1981, 1982, 1983 [<sup>F13</sup>1984, 1985 [<sup>F14</sup>1986 and 1987] shall not exceed £1,200 million.]]

(7) The power to make a scheme under this section shall be exercisable by order contained in a statutory instrument, and an order made under this subsection may be varied or revoked by a subsequent order so made.

An order shall not be made under this subsection unless a draft thereof has been laid before and approved by the Commons House of Parliament.

(8) In this section—

“concessionary coal” means coal or other solid fuel supplied free of charge or at reduced prices,

“prescribed” means prescribed by a scheme under this section.

(9) Any sums required by the Secretary of State for making payments under a scheme under this section shall be defrayed out of money provided by Parliament.

(10) Section 3 of the Act of 1967, section 2 of the Act of 1971, and section 4 of the Act of 1973, which are superseded by this section, shall cease to have effect, but nothing in this Act is to be taken to prejudice the validity of any scheme made before the commencement of this Act under section 3 of the Act of 1967, and any such scheme may be varied or revoked as if made under this section.

#### Textual Amendments

- F6** Words inserted by [Coal Industry Act 1980 \(c. 50, SIF 86\), s. 7\(1\)](#)
- F7** Words substituted by virtue of [Coal Industry Act 1980 \(c. 50, SIF 86\), s. 7\(2\)](#), [Coal Industry Act 1983 \(c. 60, SIF 86\), s. 4\(2\)](#) and [Coal Industry Act 1985 \(c. 27, SIF 86\), s. 3\(1\)](#)
- F8** Words substituted for “ and (b)” by [Coal Industry Act 1980 \(c. 50, SIF 86\), s. 7\(1\)](#)
- F9** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\), s. 1\(2\)](#), [Sch. 1 para. 34\(1\)](#)
- F10** [S. 7\(3\)](#) repealed by [Coal Industry Act 1980 \(c. 50, SIF 86\), s. 11\(2\)](#)
- F11** For s. 7(5)(6) a new subsection (5) substituted by [Coal Industry Act 1980 \(c. 50, SIF 86\), s. 7\(3\)](#)
- F12** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\), s. 1\(2\)](#), [Sch. 1 para. 34\(1\)](#)
- F13** Words substituted by [Coal Industry Act 1983 \(c. 60, SIF 86\), s. 4\(3\)](#)
- F14** Words substituted by [Coal Industry Act 1985 \(c. 27, SIF 86\), s. 3\(2\)](#)

#### Modifications etc. (not altering text)

- C1** [S. 7](#) amended by [Coal Industry Act 1980 \(c. 50, SIF 86\), s. 7\(1\)](#)
- C2** Power to increase limit under s. 7(5) conferred by [Coal Industry Act 1985 \(c. 27, SIF 86\), s. 3\(3\)](#)
- C3** Limit specified in s. 7(5) increased to £1,800 million from £1,200 million by [S.I. 1986/631, art. 2](#)

8 ..... <sup>F15</sup>

#### Textual Amendments

- F15** [S. 8](#) repealed by [Coal Industry Act 1980 \(c. 50, SIF 86\), ss. 5, 11\(2\)](#)

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### *Other provisions*

## **9 Activities relating to petroleum,**

- F16(1) .....
- F16(2) .....
- F16(3) .....
- F16(4) .....
- F17(5) .....

#### **Textual Amendments**

- F16** S. 9(1)-(4) repealed (31.10.1994) by 1994 c. 21, ss. 67, 68(2), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- F17** S. 9(5) repealed (27.3.2004) by Coal Industry Act 1994 (c. 21), s. 68(3)(b), **Sch. 11 Pt. 4**; S.I. 2004/144, **art. 3**

#### **Modifications etc. (not altering text)**

- C4** S. 9 restricted (31.10.1994) by 1994 c. 21, **ss. 11(6)(b)**, 68(2), (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

## **F18 10 Activities relating to minerals other than coal or petroleum.**

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#### **Textual Amendments**

- F18** S. 10 repealed (27.3.2004) by Coal Industry Act 1994 (c. 21), s. 68(3)(b), **Sch. 11 Pt. 4**; S.I. 2004/144, **art. 3**

## **F19 11 Overseas activities.**

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#### **Textual Amendments**

- F19** S. 11 repealed (27.3.2004) by Coal Industry Act 1994 (c. 21), s. 68(3)(b), **Sch. 11 Pt. 4**; S.I. 2004/144, **art. 3**

## **12 Pensions.**

- (1) In section 37 of the Act of 1946 (regulations about pension schemes) after subsection (1) insert the following subsection—

“(1A) Regulations may be made for providing pensions, gratuities and other like benefits in favour of persons specified in the Table in Schedule 2A to this Act, and references in subsection (1)(c) above to the purposes of paragraphs

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*Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1977. (See end of Document for details)*

(a) and (b) of that subsection shall include references to the purposes of this subsection.”

(2) After Schedule 2 to the Act of 1946 insert, as Schedule 2A, the provisions set out in Schedule 3 to this Act.

#### Modifications etc. (not altering text)

**C5** The text of ss. 1(1)(2), 11(8), 12(1)(2), 15(1)(2), Schs. 1, 3, 4 paras. 1(1)—(7), 2, 3, Sch. 5 Pts. I, II 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.

### 13 Administrative expenses.

[<sup>F20</sup> Any administrative expenses incurred by the Secretary of State for the purposes of this Act shall be paid out of money provided by Parliament]

#### Textual Amendments

**F20** Ss. 13-16 repealed (27.3.2004 for the repeal of s. 15) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), [Sch. 11 Pt. 3](#); [S.I. 2004/144](#), art. 2, Sch.

### 14 Interpretation.

[<sup>F20</sup>(1) In this Act—

“the Act of 1946” means the <sup>M1</sup>Coal Industry Nationalisation Act 1946;

“the Act of 1965” means the <sup>M2</sup>Coal Industry Act 1965;

“the Act of 1971” means the <sup>M3</sup>Coal Industry Act 1971;

“the Act of 1973” means the <sup>M4</sup>Coal Industry Act 1973;

“the Act of 1976” means the <sup>M5</sup>National Coal Board (Finance) Act 1976;

“the Board” means the National Coal Board;

[<sup>F21</sup> “the Corporation” means the British Coal Corporation; ]

“wholly owned subsidiary” shall be construed in accordance with [<sup>F22</sup>[<sup>F23</sup>section 736] of the Companies Act 1985].

(2) Except so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.]

#### Textual Amendments

**F20** Ss. 13-16 repealed (27.3.2004 for the repeal of s. 15) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), [Sch. 11 Pt. 3](#); [S.I. 2004/144](#), art. 2, Sch.

**F21** Definition inserted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(2), [Sch. 1 para. 34\(3\)](#)

**F22** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#)

**F23** Words substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), s. 144(4), [Sch. 18 para. 18](#) (subject to the transitional provisions referred to in [S.I. 1990/1392](#), [arts. 2, 6](#))

*Status: Point in time view as at 27/03/2004.*

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#### Marginal Citations

- M1** 1946 c. 59.  
**M2** 1965 c. 82.  
**M3** 1971 c. 16.  
**M4** 1973 c. 8.  
**M5** 1976 c. 1.

#### <sup>F20</sup> 15 Amendments and repeals.

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#### Textual Amendments

- F20** Ss. 13-16 repealed (27.3.2004 for the repeal of s. 15) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), [Sch. 11 Pt. 3](#); [S.I. 2004/144](#), art. 2, [Sch.](#)

#### 16 Citation, commencement and extent.

- [<sup>F20</sup>(1) This Act may be cited as the Coal Industry Act 1977, and the Coal Industry Acts 1946 to 1976 and this Act may be cited together as the Coal Industry Acts 1946 to 1977.
- (2) This Act shall come into force at the expiration of a period of one month beginning with the date on which this Act is passed.
- (3) This Act does not extend to Northern Ireland, but without prejudice to the provisions of this Act relating to activities of the Board outside Great Britain.]

#### Textual Amendments

- F20** Ss. 13-16 repealed (27.3.2004 for the repeal of s. 15) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), [Sch. 11 Pt. 3](#); [S.I. 2004/144](#), art. 2, [Sch.](#)

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## SCHEDULES

### F24 SCHEDULE 1

Section 1.

#### Textual Amendments

**F24** Sch. 1 repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), [Sch. 11 Pt. 3](#); S.I. 2004/144, art. 2, Sch.

### SCHEDULE 2

F25  
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#### Textual Amendments

**F25** Sch. 2 repealed (with saving) by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 10(3), [Sch. 3 Pt. I](#) note

### SCHEDULE 3

Section 12.

#### Modifications etc. (not altering text)

**C6** The text of ss. 1(1)(2), 11(8), 12(1)(2), 15(1)(2), Schs. 1, 3, 4 paras. 1(1)—(7), 2, 3, Sch. 5 Pts. I, II 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.

*To be inserted in the Act of 1946 as Schedule 2A*

#### “ ELIGIBILITY FOR SUPERANNUATION RIGHTS

The table below sets out classes of persons for whom rights may be provided under section 37(1A) of this Act.

#### *Table*

1 Any person who has been in the employment of a subsidiary of the Board.

*Status: Point in time view as at 27/03/2004.*

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- 2 Any person who has been in the employment of a body corporate in which the Board then had an interest of a kind defined by regulations under section 37 of this Act and which was then, or at any earlier time, a subsidiary of the Board.
- 3 (1) Any person who has been in the employment of a body corporate to which this head then applied.
- (2) This head applies to a body corporate in which the Board, or a subsidiary of the Board, has an interest of a prescribed kind where—
  - (a) more than one-half in nominal value of the equity share capital of the body corporate is held by nationalised bodies, or
  - (b) its members consist of or include nationalised bodies, and those nationalised bodies can together control the composition of the board of directors of the body corporate, or
  - (c) the body corporate is a subsidiary of another body corporate to which this head applies.
- (3) In this head “prescribed” means prescribed by regulations under section 37 of this Act, and those regulations may prescribe different kinds of interests for cases within paragraphs (a), (b) and (c) above respectively.
- 4 Any person who has been in the employment of a partnership where—
  - (a) the Board or a subsidiary of the Board was one of the partners, and
  - (b) that partner, together with any other partners who were nationalised bodies, had an interest, or interests, in the partnership satisfying conditions prescribed by regulations under section 37 of this Act.
- 5 Other persons, so far as benefits in their favour are by reference to the employment of persons within heads 1, 2, 3 or 4 above.

In this Table—

“nationalised body” means—

- (a) a body corporate established by or under any enactment for the carrying on of any industry or part of an industry, or of any undertaking, under national ownership or control, or
- (b) a subsidiary of such a body corporate,

“subsidiary” has the meaning given by section 154 of the Companies Act 1948.”

SCHEDULE 4

Section 15.

MINOR AMENDMENTS

*Coal Industry Nationalisation Act 1946 (c.59)*

- 1 F26(1) .....
- F27(2) .....
- F27(3) .....
- F27(4) .....



*Status: Point in time view as at 27/03/2004.*

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F28(5) .....

F29(6) .....

F26(7) .....

**Textual Amendments**

**F26** Sch. 4 para. 1(1)(7) repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), **Sch. 11 Pt. 3**; S.I. 2004/144, art. 2, Sch.

**F27** Sch. 4 para. 1(2)-(4) repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(3)(b), **Sch. 11 Pt. 4**; S.I. 2004/144, art. 3

**F28** Sch. 4 para. 1(5) repealed (5.7.1994) by [1994 c. 21](#), ss. 67, **Sch. 11 Pt. I** (with ss. 40(7), 66)

**F29** Sch. 4 para. 1(6) repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(3)(b), **Sch. 11 Pt. 4**; S.I. 2004/144, art. 3

*Coal Industry Act 1967 (c. 91)*

F30<sub>2</sub> .....

**Textual Amendments**

**F30** Sch. 4 para. 2 repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), **Sch. 11 Pt. 3**; S.I. 2004/144, art. 2, Sch.

F31<sub>3</sub> .....

**Textual Amendments**

**F31** Sch. 4 para. 3 repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), **Sch. 11 Pt. 3**; S.I. 2004/144, art. 2, Sch.

4 ..... F32

**Textual Amendments**

**F32** [Sch. 4 para. 4](#) repealed by [Overseas Development and Co-operation Act 1980 \(c. 63, SIF 88\)](#), Sch. 2 Pt. I

5 ..... F33

**Textual Amendments**

**F33** [Sch. 4 para. 5](#) repealed (with saving) by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 10(3), **Sch. 3 Pt. I** Note

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#### **Textual Amendments**

**F34** Sch. 5 repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), [Sch. 11 Pt. 3](#); S.I. 2004/144, art. 2, Sch.

**Status:**

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**Changes to legislation:**

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