



# Coal Industry Act 1994

## CHAPTER 21

### COAL INDUSTRY ACT 1994

#### PART I

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- 2 Duties of the Authority with respect to licensing.
- 3 Duties of the Authority with respect to property.
- 4 Duty of the Authority with respect to safety.
- 5 General powers of the Authority.
- 6 Directions to the Authority by the Secretary of State.

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- 7 Exploitation rights: general.
- 8 Exploitation rights: territorial waters and continental shelf.
- 9 Exploitation rights: oil and gas.
- 10 Protection for certain interests in coal and coal mines.

###### *Restructuring of the Corporation's undertaking*

- 11 Restructuring of the Corporation's functions.
- 12 Restructuring schemes in relation to property etc.
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*Status: Point in time view as at 19/09/1994.*

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- 16 Target investment limit for Government holding in successor companies.

*Financial arrangements in connection with restructuring*

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18 Residual payments grant.  
19 Concessionary coal.  
20 Extinguishment of loans to the Corporation.  
21 Taxation effects of restructuring.  
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- 23 Reduction in membership and dissolution of the Corporation.

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- 24 Abolition of the Domestic Coal Consumers' Council.

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- 25 Coal-mining operations to be licensed.

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- 37 Areas of responsibility.

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- 39 Notices under section 38.
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- 42 Subsidence damage to which 1991 Act applies.
- 43 Persons responsible for subsidence.
- 44 Cases where there is more than one responsible person.
- 45 Information to be provided by responsible persons.
- 46 The subsidence adviser.
- 47 Disputes etc. as to subsidence matters.
- 48 Offences with respect to subsidence information.

*Rights in relation to former copyhold land*

- 49 Rights to work coal in former copyhold land.
- 50 Notices under section 49.

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- 51 Additional rights in relation to underground land.

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- 52 Opencast operations.

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- 53 Environmental duties in connection with planning.
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- 55 Health and safety regulations as to rescue service.

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- 56 Registration of rights.

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- 59 Information to be kept confidential by the Authority.
- 60 Annual report of the Authority.
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- 64 Offences by bodies corporate etc.
- 65 Interpretation.

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- 66 Crown application.
- 67 Amendments, transitional provisions, savings and repeals.
- 68 Short title, commencement and extent.

## SCHEDULES

### SCHEDULE 1 — The Coal Authority Part I — ORGANISATION AND PROCEEDINGS

#### *Membership*

- 1 (1) Subject to the following provisions of this paragraph, a...

#### *Remuneration, pensions etc.*

- 2 (1) The Authority shall pay to its members such remuneration,...

#### *Staff*

- 3 (1) The Authority may, with the approval of the Secretary...

#### *Proceedings of Authority*

- 4 Subject to the following provisions of this Schedule, the Authority...

#### *Delegation of powers*

- 5 Anything authorised or required by or under any enactment to...

#### *Interests of members*

- 6 (1) A member of the Authority who is in any...

#### *Vacancies and defective appointments*

- 7 The validity of any proceedings of the Authority shall not...

#### *Minutes*

- 8 (1) Minutes shall be kept of proceedings of the Authority....

#### *Application of seal and proof of instruments*

- 9 (1) The application of the seal of the Authority shall...

#### *The Parliamentary Commissioner*

- 10 In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments...

#### *Parliamentary disqualification etc.*

- 11 In the House of Commons Disqualification Act 1975, in Part...

#### *Interpretation*

- 12 In this Part of this Schedule, “member”, in relation to...  
Part II — FINANCIAL PROVISIONS

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*Financial duties*

- 13 (1) The Secretary of State may, after consultation with the...

*Finances of the Authority*

- 14 (1) The Secretary of State shall, in respect of each...

*Accounts*

- 15 (1) The Authority— (a) shall keep proper accounts and records...

SCHEDULE 2 — Restructuring schemes

*Contents and effect of scheme*

- 1 (1) This paragraph shall have effect as regards the manner...

*Division of property by scheme*

- 2 (1) For the purpose of making any such division as...

*Property to which a scheme may relate*

- 3 (1) The property, rights and liabilities that shall be capable...

*Supplemental provisions of schemes*

- 4 (1) A restructuring scheme may contain supplemental, incidental, consequential and...

*Duties in relation to foreign property etc.*

- 5 (1) A restructuring scheme may provide for the imposition of...

*Modification of effect of scheme by agreement*

- 6 (1) This paragraph applies where any person to whom anything...

*The Transfer of Undertakings (Protection of Employment) Regulations 1981*

- 7 (1) The 1981 regulations shall apply to any transfer of...

*Compensation*

- 8 (1) Where, in consequence of any provisions included in a...

*Notice to persons affected by scheme*

- 9 (1) It shall be the duty of the Secretary of...

SCHEDULE 3 — Financial structure of successor companies

*Meaning of “relevant successor company”*

- 1 In this Schedule “relevant successor company” means any successor company...

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*Initial Government holding in companies*

- 2 (1) As a consequence of the vesting in a relevant...

*Government investment in companies*

- 3 (1) Subject to section 16 of this Act, the Treasury...

*Exercise of functions through nominees*

- 4 (1) The Treasury or, with the consent of the Treasury,...

*Payment of dividends etc. into Consolidated Fund*

- 5 Any dividends or other sums received by the Treasury or...

*Distributable reserves of companies*

- 6 (1) Where statutory accounts of a relevant successor company prepared...

*Temporary restrictions on borrowing of companies*

- 7 (1) If articles of association of a relevant successor company...

*Government lending to the companies*

- 8 (1) Subject to the following provisions of this Schedule, the...

*Treasury guarantees for loans made to companies*

- 9 (1) Subject to the following provisions of this Schedule, the...

*Limit on Government financial assistance for companies*

- 10 The aggregate of— (a) any amounts outstanding by way of...

SCHEDULE 4 — Taxation Provisions

Part I — CORPORATION TAX

*Interpretation of Part I*

- 1 (1) Subject to paragraph 24 below, in this Part of...

*Chargeable gains: general*

- 2 (1) For the purposes of the 1992 Act, where there...

*Chargeable gains: compensation and insurance money*

- 3 (1) Subsections (4) and (5) of section 23 of the...

*Chargeable gains: section 30 of the 1992 Act*

- 4 Section 30 of the 1992 Act (tax-free benefits) shall not...

*Chargeable gains: section 41 of the 1992 Act*

- 5 Subject to paragraph 21 below, section 174(1) of the 1992...

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*Chargeable gains: options*

- 6 (1) Where in the case of any relevant transfer the...

*Chargeable gains: roll-over relief*

- 7 (1) Where, apart from this sub-paragraph— (a) the predecessor would...

*Chargeable gains: group transactions*

- 8 (1) For the purposes of section 179 of the 1992...

*Chargeable gains: disposal of debts*

- 9 (1) Where in the case of any relevant transfer—

*Chargeable gains: assets held before 6th April 1965*

- 10 Schedule 2 to the 1992 Act (assets held on 6th...

*Transfers of trading stock*

- 11 (1) For the purposes of the Corporation Tax Acts if,...

*Transfer of rights to receipts*

- 12 Where by virtue of any relevant transfer there is transferred...

*Transfer of liabilities*

- 13 (1) If, by virtue of any relevant transfer, there is...

*Losses to be retained by the predecessor*

- 14 (1) Notwithstanding anything in the preceding provisions of this Part...

*Section 35 of the 1988 Act*

- 15 (1) Section 35 of the 1988 Act (charge on lease...

*Group relief*

- 16 The existence of the powers of the Secretary of State...

*Special provision for successor companies*

- 17 (1) Where— (a) by virtue of any relevant transfer any...

*Leased assets*

- 18 (1) For the purposes of section 781 of the 1988...

*Continuity in relation to capital allowances etc. where trade transferred*

- 19 (1) Subject to the following provisions of this Part of...

*Capital allowances in cases where paragraph 19 does not apply*

- 20 (1) Subject to paragraph 21 below, the Capital Allowances Acts...

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*Capital allowances in cases where interests created by restructuring scheme*

21 (1) This paragraph shall apply where— (a) an interest or...

*Capital allowances for machinery and plant: connected persons*

22 For the purposes of Part II of the 1990 Act...

*Exchange gains and losses*

23 (1) This paragraph shall apply where— (a) in consequence of...

*Transfers of property in coal and lease back etc.*

24 (1) Subject to the following provisions of this paragraph—

*Modifications of restructuring scheme*

25 Where the effect of any restructuring scheme is modified in...  
Part II — STAMP DUTY AND STAMP DUTY RESERVE TAX

*Transactions attracting exemptions*

26 For the purposes of this Part of this Schedule a...

*Stamp duty*

27 (1) Subject to sub-paragraph (2) below, an exempt transaction shall...

*Stamp duty reserve tax*

28 (1) No agreement for the purposes of, or for purposes...

SCHEDULE 5 — Pensions Provision in connection with Restructuring

*Interpretation of Schedule*

1 (1) In this Schedule— “assets”, in relation to any existing...

*Modification of existing schemes*

2 (1) The Secretary of State may by regulations make provision...

*Replacement schemes for employees transferred to the private sector etc.*

3 (1) The Secretary of State may by regulations make such...

*Protection for rights under private sector schemes*

4 (1) This paragraph applies to— (a) any scheme established in...

*General provisions*

5 (1) Every power of the Secretary of State to make...

SCHEDULE 6 — Further modifications of the 1991 Act

1 (1) Where— (a) a damage notice is received by a...  
2 Section 8(9) of the 1991 Act (grounds for refusing request...  
3 (1) In relation to times on or after the restructuring...



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- 4 The reference in section 15 of the 1991 Act (recipients...
- 5 In relation to any regulations made on or after the...
- 6 Section 43(1) of this Act shall require the second reference...
- 7 On and after the restructuring date sections 37, 38, 40...
- 8 On and after the restructuring date sections 46 and 47...
- 9 The provisions of section 44 of this Act, so far...
- 10 On and after the restructuring date, section 49 of the...
- 11 Paragraph 1(1) of Schedule 2 to the 1991 Act (payment...
- 12 Section 43(1) of this Act shall not apply to the...

## SCHEDULE 7 — Retained Interests in Copyhold Land

### Part I — CLAIMS IN RESPECT OF RETAINED INTERESTS

#### *Application of Part I*

- 1 (1) This Part of this Schedule shall apply where, at...

#### *Form of claim*

- 2 The claimant shall furnish, together with the retained interest notice,...

#### *Acceptance or rejection of claim*

- 3 (1) Within the period of three months beginning with the...

#### *Payment of costs of establishing claim*

- 4 Subject to paragraph 5 below, as soon as practicable after...

#### *Challenge of rejection notice*

- 5 (1) A claimant who— (a) has served a retained interest...

#### *Compensation*

- 6 (1) Subject to paragraphs 7 and 11 below, where—

#### *Persons entitled to compensation*

- 7 (1) Subject to paragraph 5 above, it shall be conclusively...

#### *Agreements with respect to compensation*

- 8 (1) If at any time— (a) after an acceptance notice...

#### *Notice of compensation*

- 9 (1) Where any person— (a) makes a payment of compensation...

### Part II — OTHER PROVISIONS

#### *Saving for rights to dispose of retained interests*

- 10 Subject to paragraph 8(3) above and to any provision applied...

#### *Pre-1975 Act orders under the Mines (Working Facilities and Support) Act 1966*

- 11 (1) If— (a) by virtue of an order under section...

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*Transitional provisions*

12 (1) On and after the restructuring date, the following provisions...

SCHEDULE 8 — Amendments of the Opencast Coal Act 1958

*Introduction*

1 The Opencast Coal Act 1958 shall be amended as follows....

*Power to make compulsory rights orders*

2 (1) In subsection (1) of section 4 (compulsory rights order)—...

*Effect of orders*

3 (1) In subsection (2) of section 5 (effect of order),...

*Limitations on effect of orders*

4 In section 7 (rights not affected by order)—

*Limited compulsory rights orders*

5 In subsection (3)(b) of section 8 (modification of section 5(4))—...

*Provisions as to other minerals, timber, crops, etc.*

6 In subsections (1) to (3) of section 10 (rights in...

*Registration of orders in Scotland*

7 In section 11(4) (registration in the register of sasines)—

*Removal of chattels from land*

8 (1) In subsection (1) of section 12 (rights to remove...

*Apparatus of statutory undertakers*

9 Section 13 (effect in relation to apparatus of statutory undertakers...

*Agricultural tenancies in England and Wales*

10 In section 14(6) (arbitration under section 12 of the Agricultural...

*Agricultural tenancies in Scotland*

11 (1) In subsection (6)(a) of section 14A (modification of section...

*Suspension of rights of way*

12 (1) In subsection (1) of section 15 (orders for suspension...

*Supplementary provisions about suspension of rights of way*

13 (1) In subsection (1) of section 15A (supplementary provisions in...

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*Orders conferring rights for drainage or water supply purposes*

14 (1) In subsections (1) and (2) of section 16 (orders...

*Annual compensation*

15 (1) In subsection (1) of section 17 (general provisions as...

*Calculation of compensation*

16 In relation to any compulsory rights order confirmed on or...

17 Sections 19 and 20 (additional annual compensation and special compensation...

*Terminal compensation*

18 In section 21(1) (terminal compensation), for “by the Corporation in...

*Compensation in respect of agricultural land*

19 (1) In section 23A (compensation with a view to furthering...

*Compensation for short term improvements etc.*

20 (1) In subsection (1) of section 26 (compensation in respect...

*Compensation in respect of forced sales*

21 (1) In subsection (1) of section 27 (compensation for forced...

*Compensation: definition of holding*

22 (1) In subsection (1) of section 29 (definition of holding...

*Compensation in respect of easements and other rights*

23 (1) In subsection (2) of section 31 (annual compensation in...

*Compensation in respect of disposable minerals*

24 (1) After section 31, there shall be inserted the following...

*Compensation for depreciation of land in same ownership*

25 (1) In subsection (2) of section 32 (annual compensation in...

*Time when compensation accrues*

26 (1) In subsection (1) of section 35 (introduction to provisions...

*Records of condition of land*

27 (1) In subsection (1) of section 36 (records of condition...

*Protection of land from compulsory purchase*

28 In section 38 (exclusion from compulsory purchase order of land...

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*Entry on land*

29 (1) In subsection (1) of section 39 (designation of land...

*Claims for compensation*

30 (1) In subsection (1) of section 40 (claims for compensation)—...

*Compensation in respect of property held for religious purposes*

31 (1) In subsection (1) of section 42 (compensation payable in...

*Provision in respect of mortgaged land*

32 In section 43 (compensation provisions applying to mortgaged land), the...

*Crown land*

33 In section 44 (Crown land)— (a) in subsection (1), for...

*Telecommunication apparatus*

34 In section 45(2) (application of paragraph 23 of the telecommunications...

*Provisions as to regulations, orders etc.*

35 After section 49(4) (general power to revoke and vary orders...

*Interpretation*

36 (1) In subsection (1) of section 51 (interpretation)—

*Application to Scotland*

37 In section 52(3) (construction of references to water authorities in...

*Procedure for compulsory rights orders in Scotland*

38 (1) In Part I of Schedule 2 (making, confirmation, validity...

*Other provisions with respect to the procedure for compulsory rights orders*

39 (1) In paragraph 13 of Part II of Schedule 2...

*Compensation by way of payment for costs of works*

40 (1) In Schedule 3 (terminal compensation by way of payment...

*Compensation in respect of minerals*

41 For paragraph 2 of Schedule 5 (compensation in respect of...

*Application of Schedule 6 to Scotland*

42 (1) In paragraph 1(2) of Schedule 6 (changes in right...

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*Tenancies of allotment gardens and other allotments*

43 (1) In paragraph 3 of Schedule 8 (compensation for termination...

SCHEDULE 9 — Minor and Consequential Amendments

*The Land Registration Act 1925 (c. 21)*

1 (1) Any interest in land consisting in an interest in...

*The Requisitioned Land and War Works Act 1945 (c. 43)*

2 In section 34(1) of the Requisitioned Land and War Works...

*The Statistics of Trade Act 1947 (c. 39)*

3 In section 9 of the Statistics of Trade Act 1947,...

*The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42)*

4 After section 6 of the Acquisition of Land (Authorisation Procedure)...

*The Landlord and Tenant Act 1954 (c. 56)*

5 In the definition of “statutory undertakers” in section 69(1) of...

*The Public Records Act 1958 (c. 51)*

6 In Part II of the Table in paragraph 3 of...

*The Public Health Act 1961 (c. 64)*

7 In the fourth item in the Table in Schedule 4...

*The Licensing Act 1964 (c. 26)*

8 In section 56(3) of the Licensing Act 1964 (definition of...

*The Gas Act 1965 (c. 36)*

9 In section 13(8) of the Gas Act 1965 (exclusion of...

*The Mines (Working Facilities and Support) Act 1966 (c. 4)*

10 (1) In the Table in section 1 of the Mines...

*The Land Commission Act 1967 (c. 1)*

11

*The Gaming Act 1968 (c. 65)*

12 In section 52(2) of the Gaming Act 1968 (definition of...

*The Town and Country Planning (Scotland) Act 1972 (c. 52)*

13

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*The Fair Trading Act 1973 (c. 41)*

14 In section 133(2) of the Fair Trading Act 1973 (exceptions...

*The Consumer Credit Act 1974 (c. 39)*

15 In section 174(3) of the Consumer Credit Act 1974 (exceptions...

*The Welsh Development Agency Act 1975 (c. 70)*

16 In section 27(1) of the Welsh Development Agency Act 1975...

*The Restrictive Trade Practices Act 1976 (c. 34)*

17 In section 41(1) of the Restrictive Trade Practices Act 1976...

*The Local Government (Miscellaneous Provisions) Act 1976 (c.57)*

18 (1) In section 15(3) of the Local Government (Miscellaneous Provisions)...

*The Development of Rural Wales Act 1976 (c. 75)*

19

*The Land Registration (Scotland) Act 1979 (c. 33)*

20 In section 28(1) of the Land Registration (Scotland) Act 1979...

*The Estate Agents Act 1979 (c. 38)*

21 In section 10(3) of the Estate Agents Act 1979 (exceptions...

*The Ancient Monuments and Archaeological Areas Act 1979 (c.46)*

22 In section 61(2)(b) of the Ancient Monuments and Archaeological Areas...

*The Competition Act 1980 (c. 21)*

23 (1) In subsection (2) of section 19 of the Competition...

*The Overseas Development and Co-operation Act 1980 (c. 63)*

24

*The Local Government, Planning and Land Act 1980 (c. 65)*

25

*The Highways Act 1980 (c. 66)*

26 In section 290 of the Highways Act 1980 (supplementary provisions...

*The Acquisition of Land Act 1981 (c. 67)*

27 (1) In section 17(4) of the Acquisition of Land Act...

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*The Civic Government (Scotland) Act 1982 (c. 45)*

28 In section 123(1) of the Civic Government (Scotland) Act 1982...

*The National Audit Act 1983 (c. 44)*

29 In Part I of Schedule 4 to the National Audit...

*The Road Traffic Regulation Act 1984 (c. 27)*

30 In paragraph 3 of Schedule 5 to the Road Traffic...

*The Roads (Scotland) Act 1984 (c. 54)*

31 In section 140 of the Roads (Scotland) Act 1984 (right...

*The Companies Act 1985 (c. 6)*

32 The Companies Act 1985 shall have effect in relation to...

*The Housing Act 1985 (c. 68)*

33 In section 573(1) of the Housing Act 1985 (meaning of...

*The Weights and Measures Act 1985 (c. 72)*

34 In paragraph 28 of Schedule 5 to the Weights and...

*The Agricultural Holdings Act 1986 (c. 5)*

35 Paragraph 8(1)(a) of Part II of Schedule 3 to the...

*The Coal Industry Act 1987 (c. 3)*

36 In section 5 of the Coal Industry Act 1987 (coal...

*The Housing Act 1988 (c. 50)*

37 In paragraph 4(b) of Part I of Schedule 9 to...

*The Electricity Act 1989 (c. 29)*

38 (1) In subsection (2) of section 57 of the Electricity...

*The Town and Country Planning Act 1990 (c. 8)*

39 (1) In section 253(2)(a) of the Town and Country Planning...

*The Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

40 Section 85 of the Planning (Listed Buildings and Conservation Areas)...

*The Coal Mining Subsidence Act 1991 (c. 45)*

41 (1) In subsection (7) of section 27 of the 1991...

*The Water Industry Act 1991 (c. 56)*

42 In paragraph 1(5) of Schedule 13 to the Water Industry...

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*The Water Resources Act 1991 (c. 57)*

43 (1) In paragraph 1(4) of Schedule 22 to the Water...

*The Land Drainage Act 1991 (c. 59)*

44 In paragraph 1(1) of Schedule 6 to the Land Drainage...

*The Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)*

45 In section 161(7) of the Leasehold Reform, Housing and Urban...

SCHEDULE 10 — Transitional Provisions and Savings

*General saving for repeal of the Coal Act 1938*

1 Where this Act repeals any provisions of the Coal Act...

*Deemed acknowledgments under section 14(3) of the Coal Act 1938*

2 The repeal by this Act of subsection (3) of section...

*Restrictions under section 33 of the Coal Act 1938*

3 (1) Notwithstanding the repeal by this Act of section 33...

*Rights saved by section 34 of the Coal Act 1938*

4 (1) Neither the repeal by this Act of section 34...

*Saving for rights under section 43(6) of the Coal Act 1938*

5 The repeal by this Act of section 43 of the...

*Licences under section 36 of the 1946 Act*

6 As well as being subject to the savings in section...

*Repeal of section 41 of the 1946 Act*

7 The repeal by this Act of section 41 of the...

*Repeal of the Miners' Welfare Act 1952*

8 The repeal by this Act of the Miners' Welfare Act...

*Opencast coal*

9 (1) Where any compulsory rights order has been made under...

*Offshore coal adjacent to the Isle of Man*

10 (1) On and after the restructuring date the rights in...

*Coal industry trusts and other social welfare bodies*

11 The repeal by this Act of section 6 of the...



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*Interests affected by planning proposals: blight*

12

*Subsidence*

13 (1) Without prejudice to section 1(2) of the 1991 Act,...

SCHEDULE 11 — Repeals

Part I — REPEALS COMING INTO FORCE ON THE PASSING OF THIS ACT

Part II — REPEALS COMING INTO FORCE ON THE RESTRUCTURING DATE

Part III — REPEALS COMING INTO FORCE ON AN APPOINTED DAY

Part IV — REPEALS COMING INTO FORCE ON THE DISSOLUTION DATE

**Status:**

Point in time view as at 19/09/1994.

**Changes to legislation:**

There are currently no known outstanding effects for the Coal Industry Act 1994.