

*Status: Point in time view as at 01/10/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Coal Industry Act 1994, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE COAL AUTHORITY

#### PART I

#### ORGANISATION AND PROCEEDINGS

##### *Membership*

- 1 (1) Subject to the following provisions of this paragraph, a member of the Authority shall hold and vacate office in accordance with the terms of his appointment.
- (2) Any appointment of a person as a member of the Authority shall be for a term not exceeding five years, but a person who ceases to be such a member at the end of any such term shall be eligible for re-appointment.
- (3) A member of the Authority may at any time by notice to the Secretary of State resign his office.
- (4) The Secretary of State may remove a member of the Authority if he is satisfied—
- (a) that that member has been absent from meetings of the Authority for a period of more than three consecutive months without the permission of the Authority;
  - (b) that that member has been adjudged bankrupt, that his estate has been sequestrated [<sup>F1</sup>, that a debt relief order has been made in respect of him] or that he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
  - (c) that that member is unable or unfit to carry out the functions of a member.

#### Textual Amendments

- F1** Words in Sch. 1 para. 1(4)(b) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, [Sch. 2 para. 30](#) (with art. 5)

##### *Remuneration, pensions etc.*

- 2 (1) The Authority shall pay to its members such remuneration, and such travelling and other allowances, as may be determined by the Secretary of State.
- (2) The Authority shall, if so required by the Secretary of State, pay—
- (a) such pension, allowances or gratuities to or in respect of a person who has been or is a member of the Authority, or

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- (b) such payments towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person, as may be determined by the Secretary of State.
- (3) If, when any member of the Authority ceases to hold office, the Secretary of State determines that there are special circumstances which make it right that that member should receive compensation, the Authority shall pay to him a sum by way of compensation of such amount as may be so determined.
- (4) The approval of the Treasury shall be required for the making of a determination under this paragraph.

### *Staff*

- 3 (1) The Authority may, with the approval of the Secretary of State as to terms and conditions of service, appoint such officers and employees as it may determine.
- (2) No member of the Authority or other person shall be appointed by the Authority to act as its chief executive unless the Secretary of State has consented to the appointment of that person.
- (3) The Authority may—
  - (a) pay such pensions, allowances or gratuities to or in respect of any persons who have been or are its officers or employees as it may, with the approval of the Secretary of State, determine;
  - (b) make such payments as it may so determine towards provision for the payment of pensions, allowances or gratuities to or in respect of any such persons; and
  - (c) provide and maintain such schemes as it may so determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any such persons.
- (4) Any reference in sub-paragraph (3) above to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the Authority's officers or employees who suffer loss of office or employment or loss or diminution of emoluments.
- (5) If any person—
  - (a) on ceasing to hold any office or employment with the Authority, becomes or continues to be one of its members, and
  - (b) was, by reference to his office or employment with the Authority, a participant in a pension scheme maintained by the Authority for the benefit of any of its officers or employees,
 the Authority may, with the approval of the Secretary of State, make provision for him to continue to participate in that scheme, on such terms and conditions as it may with the consent of the Secretary of State determine, as if his service as a member were service as an officer or employee of the Authority; and any such provision shall be without prejudice to paragraph 2 above.
- (6) In addition, service as an officer or employee of the Authority shall be included in the kinds of employment to which a scheme under section 1 of the <sup>M1</sup>Superannuation Act 1972 can apply; and, accordingly, in Schedule 1 to that Act (which lists the kinds

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of employment to which a scheme can apply), the following entry shall be inserted at the appropriate place in the list of “Other Bodies”, that is to say— “Coal Authority.”

- (7) The Authority shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to sub-paragraph (6) above in the sums payable out of money provided by Parliament under the Superannuation Act 1972.
- (8) Where any person is both a member of the Authority and a participant by reference to his service as an officer or employee of the Authority in a scheme under section 1 of the Superannuation Act 1972, the Treasury may determine that his service as such a member (including service before he became an officer or employee) shall be treated for the purposes of the scheme as service as an employee of the Authority; and any such determination shall be without prejudice to paragraph 2 above.
- (9) The consent of the Treasury shall be required for the giving of an approval under this paragraph.

**Marginal Citations**

M1 1972 c. 11.

*Proceedings of Authority*

- 4 Subject to the following provisions of this Schedule, the Authority may regulate its own procedure (including quorum).

*Delegation of powers*

- 5 Anything authorised or required by or under any enactment to be done by the Authority may be done by any member, officer or employee of the Authority who has been authorised for the purpose, whether generally or specially, by the Authority.

*Interests of members*

- 6 (1) A member of the Authority who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the Authority shall disclose the nature of his interest to the meeting.
- (2) Where such a disclosure is made, the disclosure shall be recorded in the minutes of the meeting and the member shall not take any part in any deliberation or decision of the Authority with respect to that matter if either—
- (a) it relates to any application made to the Authority or to any licence or contract which the Authority has granted or entered into or is considering granting or entering into; or
  - (b) the Authority determines that the nature of the matter, the extent of the member’s interest and any prejudicial effect of his joining in the consideration of that matter are such that the member should not take part.
- (3) For the purposes of sub-paragraph (1) above, a general notification given at a meeting of the Authority by any of its members to the effect that—
- (a) he is a member of a specified body corporate or firm, and

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(b) he is to be regarded as interested in any matter involving that body or firm which falls to be considered after the giving of the notification, shall be regarded as a sufficient disclosure of his interest in relation to any such matter.

- (4) A member of the Authority who is required under this paragraph to make a disclosure at any meeting need not attend in person at the meeting in order to make the disclosure if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at the meeting.

*Vacancies and defective appointments*

- 7 The validity of any proceedings of the Authority shall not be affected by a vacancy amongst its members, by any defect in the appointment of a member or by any contravention of the requirements of paragraph 6 above.

*Minutes*

- 8 (1) Minutes shall be kept of proceedings of the Authority.
- (2) Minutes of any such proceedings shall be evidence of those proceedings if they are signed by a person purporting to have acted as chairman of the proceedings to which the minutes relate or of any subsequent proceedings in the course of which the minutes were approved as a correct record.
- (3) Where minutes of any such proceedings have been signed as mentioned in subparagraph (2) above, those proceedings shall, unless the contrary is shown, be deemed to have been regularly convened and constituted.

*Application of seal and proof of instruments*

- 9 (1) The application of the seal of the Authority shall be authenticated by the signature of any member, officer or employee of the Authority who has been authorised for the purpose, whether generally or specially, by the Authority.
- (2) Every document purporting to be an instrument made or issued by or on behalf of the Authority and to be duly executed under the seal of the Authority, or to be signed or executed by a person authorised by the Authority for the purpose, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.
- (3) In this paragraph the reference to the signature of a person includes a reference to a facsimile of a signature by whatever process reproduced; and “signed” shall be construed accordingly.

*The Parliamentary Commissioner*

- 10 In the <sup>M2</sup>Parliamentary Commissioner Act 1967, in Schedule 2 (departments and authorities subject to investigation), there shall be inserted (at the appropriate place) the following entry—

“ Coal Authority. ”

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**Marginal Citations**

**M2** 1967 c. 13.

*Parliamentary disqualification etc.*

- 11 In the <sup>M3</sup>House of Commons Disqualification Act 1975, in Part II of Schedule 1 (bodies of which all the members are disqualified), there shall be inserted (at the appropriate place) the following entry—
- “ The Coal Authority. ”;
- and the like insertion shall be made in Part II of Schedule 1 to the <sup>M4</sup>Northern Ireland Assembly Disqualification Act 1975.

**Marginal Citations**

**M3** 1975 c. 24.

**M4** 1975 c. 25.

*Interpretation*

- 12 In this Part of this Schedule, “member”, in relation to the Authority, includes its chairman and deputy chairman.

**PART II**

FINANCIAL PROVISIONS

*Financial duties*

- 13 (1) The Secretary of State may, after consultation with the Authority, determine the financial duties of the Authority, and different determinations may be made for different functions and activities of the Authority.
- (2) A determination under this paragraph may—
- (a) relate to a period beginning before the date on which it is made;
  - (b) contain supplemental provisions; and
  - (c) be varied by a subsequent determination.
- (3) The Secretary of State shall give the Authority written notice of every determination made under this paragraph and it shall be the duty of the Authority to conduct its finances in accordance with the determinations of which it has been given notice.
- (4) The approval of the Treasury shall be required for the making of a determination under this paragraph.

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#### *Finances of the Authority*

- 14 (1) The Secretary of State shall, in respect of each accounting year, pay to the Authority such amount as he may determine to be the amount required by the Authority for the carrying out during that year of its functions under this Act.
- (2) Except so far as the Secretary of State may otherwise direct, sums received by the Authority in the course of carrying out its functions shall be paid by the Authority to the Secretary of State.
- (3) Any sums required by the Secretary of State for making a payment under sub-paragraph (1) above shall be paid out of money provided by Parliament; and any sums received by the Secretary of State under sub-paragraph (2) above shall be paid into the Consolidated Fund.
- (4) The approval of the Treasury shall be required for the making of a determination, or the giving of any direction, under this paragraph.
- (5) In this paragraph and paragraph 15 below “accounting year” means the period beginning with the day on which the Authority is established and ending with the financial year current on that date, and each successive financial year.

#### *Accounts*

- 15 (1) The Authority—
- (a) shall keep proper accounts and records in relation to its accounts; and
  - (b) in respect of each accounting year, shall prepare a statement of accounts in such form, and within such period after the end of that year, as the Secretary of State may, with the approval of the Treasury, direct.
- (2) Before such date after the end of every accounting year as the Secretary of State may direct, the Authority shall send to the Secretary of State a copy of the statement of accounts prepared in respect of that accounting year under sub-paragraph (1)(b) above.
- (3) On or before 31st August following the end of every accounting year, the Secretary of State shall send a copy of the statement of accounts prepared in respect of that year to the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General shall examine, certify and report on every statement of accounts sent to him under sub-paragraph (3) above and shall lay copies of the statement and of his report before each House of Parliament.

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