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STATUTORY INSTRUMENTS

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**1994 No. 2552 (C.53)**

**COAL INDUSTRY**

The Coal Industry Act 1994 (Commencement  
No. 2 and Transitional Provision) Order 1994

<i>Made</i>	- - - -	<i>29th September 1994</i>
<i>Laid before Parliament</i>		<i>5th October 1994</i>
<i>Coming into force</i>	- -	<i>31st October 1994</i>

The Secretary of State, in exercise of the powers conferred on him by section 68(4) and (5) of the Coal Industry Act 1994(1), and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Coal Industry Act 1994 (Commencement No. 2 and Transitional Provision) Order 1994 and shall come into force on 31st October 1994.

(2) In this Order—

“the Act” means the Coal Industry Act 1994; and

“the 1946 Act” means the Coal Industry Nationalisation Act 1946(2).

**Provisions coming into force on 31st October 1994**

2. The provisions of the Act specified in column 1 of Schedule 1 to this Order (which relate to the matters specified in column 2 thereof) shall come into force on 31st October 1994.

**Provisions coming into force on 1st November 1994**

3. The provisions of the Act specified in column 1 of Schedule 2 to this Order (which relate to the matters specified in column 2 thereof) shall come into force on 1st November 1994.

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(1) 1994 c. 21.  
(2) 1946 c. 59.

### **Transitional provision**

4.—(1) This article shall have effect until the coming into force of the repeal by the Act<sup>(3)</sup> of section 56 of the 1946 Act.

(2) Section 56 of the 1946 Act shall have effect with the following modifications—

- (a) the insertion after the words “this Act” in the second place in which they occur in subsection (1) and in the first place in which they occur in subsection (2) of the words “or the Coal Industry Act 1994”; and
- (b) the substitution for the words “this Act” in the third place in which they occur in subsection (1) and in the second place in which they occur in subsection (2) of the words “those Acts”.

29th September 1994

*Tim Eggar*  
Minister for Industry and Energy,  
Department of Trade and Industry

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(3) See section 68(4) and Schedule 11, Part III.

## SCHEDULE 1

Article 2

## PROVISIONS COMING INTO FORCE ON 31ST OCTOBER 1994

(1) Provisions of the Act	(2) Subject matter of provisions
Section 2	Duties of the Authority with respect to licensing.
Section 3	Duties of the Authority with respect to property.
Section 15	Financial structure of successor companies.
Section 16	Target investment limit for Government holding in successor companies.
Section 19	Concessionary coal.
Section 20	Extinguishment of loans to the Corporation.
Section 22, except subsection (2)	Pensions and miners' welfare organisations.
Section 25	Coal-mining operations to be licensed.
Section 26	Grant of licences.
Section 27	Authorisation contained in licence.
Section 28	Conditions of licence: general.
Section 29	Conditions for the provision of security.
Section 30	Publication of licensing arrangements.
Section 35	Register of licences and orders.
Section 37	Areas of responsibility.
Section 45	Information to be provided by responsible persons.
Section 46	The subsidence adviser.
Section 47	Disputes etc. as to subsidence matters.
Section 56	Registration of rights.
Section 57	Public access to information held by the Authority.
Section 58	Liability for inaccurate information furnished to the Authority.
Section 59	Information to be kept confidential by the Authority.
Section 60	Annual report of the Authority.
Section 61	Report on financial assistance for coal-mining museums.

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(1) Provisions of the Act	(2) Subject matter of provisions
Section 67(1) and (8), so far as it relates to provisions coming into force by virtue of this Order. Section 67(7)	Amendments, transitional provisions, savings and repeals.
Schedule 3	Financial structure of successor companies.
Schedule 5	Pensions provision in respect of restructuring.
In Schedule 9, paragraphs 8, 11(1) and (2) and 12 except in so far as they relate to provisions coming into force on the restructuring date by virtue of section 68(2)(d).	Minor and consequential amendments.
Schedule 10	Transitional provisions and savings.
Schedule 11, Part III, so far as it relates to the repeals set out in the Appendix to this Schedule.	Repeals.

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## APPENDIX TO SCHEDULE 1

### REPEALS TAKING EFFECT ON 31ST OCTOBER 1994

Chapter	Short title	Extent of repeal
1 & 2 Geo. 6. c.52.	The Coal Act 1938.	Sections 52 to 55. Section 58.
6 & 7 Geo. 6. c.38.	The Coal Act 1943.	Section 14. Sections 17 & 18.
9 & 10 Geo. 6. c.59.	The Coal Industry Nationalisation Act 1946.	Section 52. Sections 57 and 58. In Section 63, subsection (2).
6 & 7 Eliz. 2. c.69.	The Opencast Coal Act 1958.	Section 17(4). Sections 19 and 20. In Schedule 6, paragraphs 3, 7, 12 and 22.
1967 c. 1.	The Land Commission Act 1967.	In section 14, subsection (5). In section 15, subsection (5).
1989 c. 29.	The Electricity Act 1989.	In section 57(2), the word “or” at the end of paragraph (b)(ix).

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## SCHEDULE 2

### PROVISIONS COMING INTO FORCE ON 1ST NOVEMBER 1994

Article 3

(1) Provisions of the Act	(2) Subject matter of provisions
In Schedule 9, paragraphs 13(3) and 39(2) and (3).	Minor and consequential amendments.
Schedule 11, Part III, so far as it relates to the repeals set out in the Appendix to this Schedule.	Repeals.

## APPENDIX TO SCHEDULE 2

### REPEALS TAKING EFFECT ON 1ST NOVEMBER 1994

Chapter	Short title	Extent of repeal
1972 c. 52.	The Town and Country Planning (Scotland) Act 1972.	Section 251(3)(b). Section 259.
1990 c. 8.	The Town and Country Planning Act 1990.	In section 315(4), paragraph (b) and the word “or” immediately preceding it. Section 317.

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force all the provisions of the Coal Industry Act 1994 not brought into force directly by the Act, by the first commencement order (S.I. 1994/2189) or by virtue of the making of the Coal Industry (Restructuring Date) Order 1994 (S.I. 1994/2553), except for—

- section 22(2) —repeal of the Miners' Welfare Act 1952;
- section 24 — abolition of the Domestic Coal Consumers' Council;
- the provisions of the Act specified in section 68(3); and
- the repeal of certain of the statutory provisions specified in Part III of Schedule 11.

All the provisions brought into force by the Order come into force on 31st October 1994 except for the provisions specified in Schedule 2 (concerning Town and Country Planning legislation) which come into force on 1st November 1994.

Article 4 of the Order makes transitional amendments to section 56 of the Coal Industry Nationalisation Act 1946 (*restriction on disclosure of information*) to provide for the transfer to the Coal Authority of information to which that section applies pending the bringing into force of its repeal.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

By a commencement order made before the date of this Order the following provisions of the Coal Industry Act 1994 have been brought into force as indicated below:

Provisions	Date of commencement	S.I. No.
Sections 1, 4, 5, 6 and 21 and Schedules 1 and 4	19.9.94	1994/2189

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In addition, the provisions of the Act specified in section 68(2) thereof will come into force on 31st October 1994 by virtue of the making of the Coal Industry (Restructuring Date) Order 1994 (S.I. [1994/2553](#)).