

The Coal Authority

Department for Business, Energy and Industrial Strategy

Non-qualifying regulatory provision assurance statement: **confirmed**

Under the better regulation framework, for measures being introduced during the 2017-22 parliament, there is no requirement for regulators to submit their NQRP summaries for Regulatory Policy Committee (RPC) assurance. The RPC welcomes the Coal Authority's voluntary submission of its 2018-19 NQRP summary for RPC assurance.

The RPC is content that, based on the summary information provided by the regulator, none of the measures or activities covered in the annexed summary document should be considered as a qualifying regulatory provision for the purposes of the business impact target. This assurance statement does not provide a detailed view of any specific activity in the regulator's summary document. Nor does it comment on any activities not covered in the summary. Some activities might, however, have been the subject of separate assessments of qualifying regulatory provisions.

Comments on the non-qualifying regulatory provision summary

The summary uses the template and exclusion categories relating to the previous parliament and better regulation framework and would benefit significantly from using the current template and exclusion categories (see link below).

<https://www.gov.uk/government/publications/business-impact-target-statutory-guidance>

Regulatory Policy Committee

Regulator: The Coal Authority

Business Impact Target Reporting Period Covered: 8 June 2018 - 8 June 2019

Excluded Category*	Summary of measure(s), including any impact data where available**
A – EU and International	<p>The Coal Authority was established under the Coal Industry Act 1994 (CIA 1994) and has certain regulatory duties relating to the licensing of mining operations under the Coal Industry Act 1994. Under the Coal Mining Subsidence Act 1991 it shall be the duty of the Coal Authority to take in respect of subsidence damage any property remedial action.</p> <p>Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.</p>
B – Economic Regulation	<p>Part II of the CIA 1994 deals with the licensing of coal mining. By CIA 1994, section 2(1),:</p> <p>“It shall be the duty of the Coal Authority to carry out its functions under Part II of this Act in the manner that it considers is best calculated to secure, so far as practicable</p> <p>(b) that such persons are able to finance both the proper carrying on of the coal-mining operations that they are authorised to carry on and the discharge of liabilities from the carrying on of those operations; [...]”</p> <p>(c) that persons to whom obligations are owed in respect of subsidence damage caused at any time (whether before or after the passing of the Act) do not sustain loss in consequence of any failure by a person who is or has been a licensed operator to make such financial provision for meeting present and future liabilities as might reasonably have been required of that person.</p> <p>Two new surface mining licences, four new Forest of Dean Underground mining licences and two exploration licences have been granted during the reporting period therefore following consideration of this exclusion category there are no measures for the reporting period that qualify for the exclusion.</p>

C – Price Control	<p>Pricing mechanisms and charges have not been reviewed or amended or increased and details of the existing pricing mechanisms are available on the Authority’s website together with the format and content of the Licensing documentation. These documents have been static for a number of years due to the decrease in mining activities and limited number of licenced mining operations currently in force.</p> <p>Following consideration of this exclusion category there are no measures for the reporting period that qualify for the exclusion.</p>
D - Civil Emergencies	<p>No new legislation of this nature currently affects the operations of the Coal Authority.</p> <p>Following consideration of this exclusion category there are no measures for the reporting period that qualify for the exclusion</p>
E – Fines and Penalties	<p>Security for the financing of mining operations falls part of the licensing regime and are governed by the Coal Industry Act 1994. No fines and penalties are applicable to the licensing regime.</p> <p>Following consideration of this exclusion category there are no measures for the reporting period that qualify for the exclusion.</p>
F – Pro-Competition	<p>There are currently 10 active surface mines, 2 at planning stage. There are 3 active underground, 4 licenced but non-operational, 2 in the planning stage.</p> <p>Two new exploration licences, Two surface licences and four Forest of Dean underground licences have been granted during the reporting period.</p> <p>Therefore following consideration of this exclusion category there are no measures for the reporting period that qualify for the exclusion.</p>
G – Large Infrastructure projects	

	Following consideration of this exclusion category there are no measures for the reporting period that qualify for the exclusion.
H – Misuse of Drugs/National Minimum Wage	Following consideration of this exclusion category there are no measures for the reporting period that qualify for the exclusion.
I – Systemic Financial Risk	Following consideration of this exclusion category there are no measures for the reporting period that qualify for the exclusion.
K – Industry Codes	No new Licences have been granted to mining operators during the reporting period. Following consideration of this exclusion category there are no measures for the reporting period that qualify for the exclusion
L1 – Casework	There are currently 10 active surface mines and 2 at planning stage. There are 3 active underground, 4 licenced but non-operational, 2 in the planning stage. Following consideration of this exclusion category there are no measures for the reporting period that qualify for the exclusion.
L2 – Education, communications and promotion	No new guidelines or promotional literature or best practice documentation has been created or produced during this reporting period in respect of the regulated activity of licensing mining operations. Following consideration of this exclusion category there are no measures for the reporting period that qualify for the exclusion.
L3 – Activity related to policy development	Following consideration of this exclusion category there are no measures for the reporting period that qualify for the exclusion.
L4 – Changes to management of regulator	Following consideration of this exclusion category there are no measures for the reporting period that qualify for the exclusion.

*complete the summary box as ‘following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion’ where this is appropriate

Non-qualifying regulatory provision summary assurance statement
RPC reference: RPC-4368(1)-BEIS-Coal Authority
Business impact target reporting year: 2018 – 2019

** For certain excluded categories - such as A, B, C, F and I, it is good practice to provide a narrative description of any significant measures. This will help provide greater transparency and assurance that BIT exclusions are being applied consistently and appropriately