



Coal Act 1938

CHAPTER 52

COAL ACT 1938

PART I

UNIFICATION OF COAL MINING ROYALTIES

The Coed Commission

- 1 Constitution of Coal Commission
- 2 General provisions as to functions of the Commission under Part I

Unification of ownership of coal in the hands of the Commission

- 3 Commission to acquire fee simple in coal
- 4 Property and rights with which, and matters subject to which, coal is to be acquired
- 5 Retention of certain leasehold and other interests

Compensation of existing owners

- 6 Compensation payable in respect of acquisition as a whole
- 7 Ascertainment and distribution of compensation

Transitional provisions

- 8 Rights and obligations arising from contract for sale to have effect in respect of interim period
- 9 Notice to the Commission, and effect, of dispositions made during interim period
- 10 Acquisition by the Commission of right to arrears of rent
- 11 Apportionment of rent and determination of questions on severance of subsisting leases

Status: This is the original version (as it was originally enacted).

- 12 Powers of the Commission for consolidation of leases before the vesting date
- 13 Right of freeholder of coal, who carries on coalmining business, to lease thereof
- 14 Provisions as to documents and information for purposes of Part I

Provisions supplemental to, and consequential on, unification

- 15 Powers of the Commission in relation to underground land other than coal
- 16 Commission to have exclusive right to search and bore for coal
- 17 Coal not to be alienated from the Commission
- 18 Coal not to be dealt with to the prejudice of the Commission after passing of this Act
- 19 Restriction on certain dispositions by lessees of coal
- 20 Provision as to arbitration
- 21 Power of the Court to appoint receiver and manager on the application of the Commission
- 22 Amendments of working facilities enactments

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- 23 Receipts of, and payments by, the Commission
- 24 Reserve fund of the Commission
- 25 Reduction by the Commission of rents
- 26 Power of the Commission to borrow
- 27 Purposes for which the Commission may borrow
- 28 Power of the Commission to issue stock
- 29 Power of the Treasury to guarantee loans raised by the Commission
- 30 Commission's accounts and audit thereof

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- 31 Commission not to be exempt from taxation, and c
- 32 Competence of the Commission to acquire certain interests and rights
- 33 Restriction on working of coal vested in statutory undertakers
- 34 Saving for certain statutory rights

Provisions as to registration, valuation, &c

- 35 Execution of Registration Act and amendment as to inspection of the register
- 36 Limitation as to information required to be given under the Registration Act
- 37 Extension of time limit on applications for registration in respect of which costs are to be payable
- 38 General power to extend time limits
- 39 Limitation of costs payable in case of disputes between adverse claimants
- 40 Persons to act for purposes of valuations, and c, in case of death or incapacity

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- 41 Application of Part I to registered land

- 42 Application of Part I to the Crown and the Duchy of Cornwall
- 43 Application of Part I to Forest of Dean
- 44 Interpretation of Part I
- 45 Application of Part I to Scotland

PART II

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- 46 Transfer to the Commission of functions of the Coal Mines Reorganisation Commission
- 47 Duty of the Commission to reduce number of coalmining undertakings where necessary in interests of efficiency
- 48 Powers of the Commission as to obtaining information for purposes of Part II
- 49 Exemption from stamp duty in respect of amalgamation or absorption schemes and instruments executed thereunder

PART III

AMENDMENT AND CONTINUANCE OF PART I OF THE COAL MINES ACT, 1930

- 50 Amendment and continuance of Part I of 20 and 21 Geo. 5. c. 34

PART IV

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- 51 Acquisition of sites for pithead baths, and &c
- 52 Right to inspection and copies of Commission's plans of working
- 53 Prevention of disclosure of information
- 54 Liability of directors, and c. of bodies corporate for offences
- 55 Service of notices, and c
- 56 Powers as to inquiries, and c
- 57 Reports to Board of Trade
- 58 Short title and extent

SCHEDULES

FIRST SCHEDULE — Constitution and procedure of the Coal Commission

- 1 The Commission shall consist of a chairman and four other...
- 2 At least two of the members of the Commission shall...
- 3 The appointment of a member of the Commission shall, subject...
- 4 A person shall be disqualified for being appointed or being...
- 5 A person shall be disqualified for being appointed or being...
- 6 A member of the Commission shall, within three months after...
- 7 It shall not be lawful for a member of the...
- 8 If a member of the Commission becomes disqualified for holding...
- 9 The Commission shall appoint a secretary and such other officers,...
- 10 There shall be paid out of the revenues of the...
- 11 The Commission may act notwithstanding a vacancy in their number,...
- 12 The seal of the Commission shall be authenticated by the...
- 13 Every document purporting to be an order or other instrument...
- 14 Subject to the provisions of this Schedule, the Commission shall...
- 15 In this Schedule the expression " securities " includes shares,...

Status: This is the original version (as it was originally enacted).

SECOND — Provisions for defining Property and Rights with which, and
SCHEDULE Matters subject to which, Coal is to be acquired
PART I

General

- 1 The conveyance of any coal or mine of coal to...
 - 2 (1) In a case in which any of the conveying...
 - 3 A person having an interest vested in him without power...
- PART II

Vesting of rights to withdraw support

- 4 The following provisions of this Part of this Schedule shah...
 - 5 In a case in which the fee simple in the...
 - 6 (1) In a case in which the fee simple in...
 - 7 (1) Any person interested in land damaged by the working...
- PART III

Application to Scotland

- 8 This Schedule shall apply to Scotland, subject to the following...

THIRD SCHEDULE — Provisions as to Compensation payable under Section Six of this
Act

PART I — PRELIMINARY

Units for Compensation Purposes

- 1 Subject to the provisions of paragraph 2 of this Schedule,...
- 2 (1) If the estate owner in respect of a unit...

Constitution of Valuation Boards

- 3 (1) There shall be a Central Valuation Board consisting of...
 - 4 (1) There shah be a Regional Valuation Board for each...
 - 5 (1) The Board of Trade shall, after consultation with the...
- PART II — PROVISIONS AS TO REGISTRATION UNDER THE REGISTRATION
ACT
- 6 In order for compensation to be payable under section six...
 - 7 For the purposes of proceedings for registration taken under the...
 - 8 (1) In the case of a holding in respect of...
- PART III — VALUATION

Claims and Valuation Proceedings

- 9 (1) In order for compensation to be payable under section...
- 10 (1) In the case of each holding in respect of...
- 11 (1) The claimant in respect of a holding must deliver...
- 12 (1) Within the prescribed period after service upon him by...
- 13 In the valuation of a holding regard shall be had...
- 14 The Central Valuation Board shall have power to make, with...

Costs of Valuation Proceedings

- 15 (1) Subject to the provisions of this paragraph and of...

Certification of values for purposes of payment of compensation

- 16 (1) When a Regional Valuation Board have settled the valuations...
17 (1) So soon as may be after the Commission have...

PART IV — PAYMENT AND DISPOSAL OF COMPENSATION

Ascertainment of person entitled

- 18 For the purposes of any provision of this Act under...

Payments on account

- 19 (1) At any time before the vesting date, or after...
20 (1) If in the case of any valuation region the...

Disposal of compensation as between beneficial interests

- 21 (1) The compensation for a holding when paid by the...

Costs of payment and disposal

- 22 (1) Subject to the provisions of this paragraph and of...
PART V — APPLICATION TO SCOTLAND
23 The foregoing provisions of this Schedule shall apply to Scotland,...

FOURTH SCHEDULE — Lease Consolidation Schemes

- 1 (1) A lease consolidation scheme, and the single lease to...
2 (1) The said lease shall be a lease granted, in...
3 A lease consolidation scheme must— (a) specify a date on...
4 At least six months before the date specified in a...
5 (1) The standard amount of rent in respect of any...
6 If any person upon whom a copy of a lease...
7 (1) It shall be the duty of each person whose...
8 (1) The person entitled by virtue of the provisions inserted...
9 (1) The costs reasonably incurred in giving effect to the...

FIFTH SCHEDULE — Grant of leases to freeholders of coal carrying on coal-mining business

- 1 Where application has been duly made to the Commission for...
2 (1) Where the premises to be demised are at the...
3 A person to whom a copy of a draft has...
4 Subject to any agreement between the parties named in the...
5 Subject as aforesaid the procedure for giving effect to the...
6 The costs reasonably incurred in giving effect to the provisions...

SIXTH SCHEDULE — Amendments of 20 & 21 Geo. 5. c. 34, s. 13

- 1 In section thirteen, after subsection (1) thereof, there shall be...
2 For subsection (2) of the said section thirteen there shall...
3 Subsection (4) of the said section thirteen is hereby repealed....

SEVENTH — Amendments of 20 & 21 Geo. 5. c. 34, ss. 5 and 8
SCHEDULE

- 1 After subsection (1) of section five there shall be inserted...
2 In subsection (2) of section five, after the words "...
3 For subsection (3) of section five there shall be substituted...

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- 4 At the end of subsection (5) of section five the...
- 5 In subsection (7) of section five the words " subject...
- 6 In subsection (8) of section five for the words from...
- 7 After subsection (8) of section five there shall be inserted...
- 8 In subsection (9) of section five for the words from...
- 9 At the end of section five the following subsection shall...
- 10 In section eight after the words " executive board "...