Coal Industry Nationalisation Act 1946

1946 CHAPTER 59 9 and 10 Geo 6

An Act to establish public ownership and control of the coal-mining industry and certain allied activities; and for purposes connected therewith. [12th July 1946]

Modifications etc. (not altering text)

C1 Act applied with modification by Continental Shelf Act 1964 (c. 29), **s. 1(2)**

Commencement Information

I1 Act wholly in force at Royal Assent

The National Coal Board

1 Establishment of National Coal Board and functions thereof.

[F1](1) . . . . . .

(2) The functions of the **[**[F2]British Coal Corporation**]**(in this Act referred to as **[**[F2]"the Corporation")**]** shall include the carrying on of all such activities as it may appear to the **[**[F2]the Corporation**]** to be requisite, advantageous or convenient for them to carry on for or in connection with the discharge of their duties under the preceding subsection, and in particular, but without prejudice to the generality of this section,—

(a) searching and boring for coal in Great Britain, [F3]. . .;

(b) treating, rendering saleable, supplying and selling coal;

(c) producing, manufacturing, treating, rendering saleable, supplying and selling products of coal;

(d) producing or manufacturing any goods or utilities which are of a kind required by the **[**[F2]the Corporation**]** for or in connection with the working and getting of coal or any other of their activities, or which can advantageously be produced or manufactured by the **[**[F2]the Corporation**]** by reason of their having materials or facilities for the production or manufacture thereof in connection with the working and getting of coal or any other of their activities, and supplying and selling goods or utilities so produced or manufactured;

Status: *Point in time view as at 31/10/1994.*
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[F4](e) any activities which can advantageously be carried on by the [F2the Corporation] with a view to making the best use of their assets];

(f) activities conducive to advancing the skill of persons employed or to be employed for the purposes of any of the activities aforesaid, or the efficiency of equipment and methods to be used therefor, including the provision by the [F2the Corporation] themselves, and their assisting the provision by others, of facilities for training, education and research.

(3) The [F5Corporation]shall have power to do any thing and to enter into any transaction (whether or not involving the expenditure, borrowing in accordance with the provisions of this Act in that behalf or lending of money, the acquisition of any property or rights, or the disposal of any property or rights not in their opinion required for the proper discharge of their functions) which in their opinion is calculated to facilitate the proper discharge of their duties under subsection (1) of this section or the carrying on by them of any such activities as aforesaid, or is incidental or conducive thereto.

(4) The policy of the [F5Corporation]shall be directed to securing, consistently with the proper discharge of their duties under subsection (1) of this section,—

(a) the safety, health and welfare of persons in their employment;

(b) the benefit of the practical knowledge and experience of such persons in the organisation and conduct of the operations in which they are employed;

(c) that the revenues of the [F5Corporation]shall not be less than sufficient for meeting all their outgoings properly chargeable to revenue account (including, without prejudice to the generality of that expression, provisions in respect of their obligations under sections twenty-eight and twenty-nine of this Act) on an average of good and bad years.

Textual Amendments

F1 S. 1(1) repealed (31.10.1994) by 1994 c. 21, ss. 23, 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

F2 Words substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(1)**

F3 Words in s. 1(2)(a) repealed (31.10.1994) by 1994 c. 21, ss. 23, 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

F4 S 1(2)(*e*) substituted by Coal Industry Act 1977 (c. 39), **Sch. 4 para. 1(2)**

F5 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

Modifications etc. (not altering text)

C2 S. 1 amended by Coal Industry Act 1977 (c. 39), **s. 11(1)**

C3 S. 1 amended (5.7.1994) by 1994 c. 21, **s. 7(2)** (with ss. 40(7), 66)

C4 S. 1(2) transfer of powers (with modifications) (31.10.1994) by 1994 c. 21, **s. 11(4)** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

C5 S. 1(2)(f) extended by National Coal Board (Additional Powers) Act 1966 (c. 47), **s. 1(2)**

C6 S. 1(3) transfer of powers (with modifications) (31.10.1994) by 1994 c. 21, **s. 11(4)** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

C7 S. 1(4)(*c*) extended by Coal Industry Act 1980 (c. 50, SIF 86), **s. 2(2)**

2 Constitution of the Board.

(1) [F6The Corporation] shall be a body corporate by the name of [F6"British Coal Corporation"], with perpetual succession and a common seal . . . F7.

Status: *Point in time view as at 31/10/1994.*
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(2) The **[**[F8]Corporation**]**shall consist of a chairman and **[**[F9]not less than eight nor more than fourteen other members**]**.

(3) The chairman and other members of the **[**[F8]Corporation**]**shall be appointed by **[**[F10]the Secretary of State**]** (in this Act referred to as "the Minister") from amongst persons appearing to him to be qualified as having had experience of, and having shown capacity in, industrial, commercial or financial matters, applied science, administration, or the organisation of workers.

(4) . . . . . [F11]

(5) The Minister shall appoint one of the members of the **[**[F8]Corporation**]**to act as deputy chairman.

(6) There shall be paid to the members of the **[**[F8]Corporation**]**such salaries and allowances as may be determined by the Minister with the approval of **[**[F12]the Treasury**]**, and, on the retirement or death of any of them as to whom it may be so determined to make such provision, such pensions and gratuities to them or to others by reference to their service as may be so determined.

The said salaries and allowances, and any such pensions and gratuities as aforesaid, shall be paid out of the revenues of the **[**[F8]Corporation**]**.

(7) The Minister may make regulations with respect to—

(a) the appointment of, and the tenure and vacation of office by, the members of the **[**[F13]Corporation**]**;

(b) the quorum, proceedings and meetings of the **[**[F13]Corporation**]**, and determinations of the **[**[F13]Corporation**]**; and

(c) the execution of instruments and the mode of entering into contracts by and on behalf of the **[**[F13]Corporation**]**, and the proof of documents purporting to be executed, issued or signed by the **[**[F13]Corporation**]** or a member, officer or servant thereof.

(8) Subject to the provisions of any regulations made under the last preceding subsection, the **[**[F13]Corporation**]**shall have power to regulate their own procedure.

Textual Amendments

F6 Words substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(2)**

F7 Words repealed by Charities Act 1960 (c. 58), **Sch. 7 Pt. II**

F8 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

F9 Words substituted by Coal Industry Act 1973 (c. 8), s. 10, **Sch. 1 para. 1**

F10 Words substituted by virtue of S.I. 1957/48 (1957 I, p. 1439), 1969/1498, arts. 2(1), 5(6) and 1970/1537, arts. 2(2), 7(4)

F11 S. 2(4) repealed by House of Commons Disqualification Act 1957 (c. 20), **Sch. 4 Pt. I**

F12 Words substituted by virtue of S.I. 1981/1670, **arts. 2(1)**(*c*), (2), 3(5)

F13 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

Modifications etc. (not altering text)

C8 S. 2(3)(5) extended by Coal Industry Act 1949 (c. 53), **s. 1(2)**, (4) respectively

C9 S. 2(6) excluded by Coal Industry Act 1965 (c. 82), **s. 4(1)**
S. 2(6) modified (31.10.1994) by 1994 c. 21, **s. 23(6)** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

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3 Powers of the Minister in relation to the Corporation.

[F14](1) . . . . . .

[F14](2) . . . . . .

[F14](3) . . . . . .

(4) The **[**[F15]Corporation**]**shall afford to the Minister facilities for obtaining information with respect to the property and activities of the **[**[F15]Corporation**][**[F16]in Great Britain or elsewhere**]**, and shall furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished, in such manner and at such times as he may require.

Textual Amendments

F14 S. 3(1)-(3) repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

F15 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

F16 Words inserted by Coal Industry Act 1977 (c. 39), **Sch. 4 para. 1(3)**

Modifications etc. (not altering text)

C10 S. 3(4) extended by Coal Industry Act 1971 (c. 16), **s. 7(7)**

4 Consumers' councils.

[[F17](1) There shall be established for the purposes mentioned in this section two consumers' councils, to be known respectively as the Industrial Coal Consumers' Council and the Domestic Coal Consumers' Council.

(2) Each of the said councils shall consist of such number of persons as the Minister may think fit, appointed by him . . . [F18] —

(a) in the case of the Industrial Coal Consumers' Council, after consultation with such bodies representative of the interests concerned as the Minister thinks fit, to represent consumers of coal, coke and manufactured fuel respectively, for industrial purposes or other purposes involving supply in bulk, and persons engaged in organising or effecting the sale or supply, whether for home use or for export, of coal, coke and manufactured fuel respectively, for those purposes;

(b) in the case of the Domestic Coal Consumers' Council, after consultation with such bodies representative of the interests concerned as the Minister thinks fit, to represent consumers of coal, coke and manufactured fuel respectively, for domestic purposes and other purposes not falling within the preceding paragraph, and persons engaged in organising or effecting the sale or supply of coal, coke and manufactured fuel respectively, for those purposes.

In formulating his proposals for appointments to each of the said councils, the Minister shall have particular regard to nominations made to him by the said bodies representative of the interests concerned of persons recommended by them as having both adequate knowledge of the requirements of those interests and also qualifications for exercising a wide and impartial judgment on the matters to be dealt with by the council generally.

(3) The Industrial Coal Consumers' Council shall be charged with the duties—

(a) of considering any matter affecting the sale or supply, whether for home use or for export, of coal, coke or manufactured fuel for the purposes mentioned in paragraph (*a*) of subsection (2) of this section which is the subject of a representation made to them by consumers for those purposes of coal, coke or manufactured fuel, as the case may be, or which appears to them to be a matter to which consideration ought to be given apart from any such representation, . . . [F18];

(b) of considering, and reporting to the Minister on, any such matter which may be referred to them by the Minister.

(4) The Domestic Coal Consumers' Council shall be charged with the like duties in relation to the sale or supply of coal, coke and manufactured fuel for the purposes mentioned in paragraph (*b*) of subsection (2) of this section.

(5) . . . . . [F19]

(6) The said councils shall be furnished by the Minister with such clerks, officers and staff as appear to him, with the concurrence of **[**[F20]the Treasury**]** as to numbers, to be requisite for the proper discharge of their functions, and the Minister shall pay to the members of the said councils such allowances, and to the clerks, officers and staff of the said councils such remuneration and allowances, as he may with the approval of **[**[F20]the Treasury**]** determine, and shall pay such expenses incurred by the said councils as he may so determine.

(7) Provision may be made by regulations for or in connection with any such matters in relation to the said consumers' councils as are mentioned in subsection (7) of section two of this Act in relation to the **[**[F21]Corporation**]**, and for the appointment of a chairman of each of the said councils, with or without provision for another to act in his place, and, subject to the provisions of any such regulations, the said councils shall have power to regulate their own procedure.

(8) Each of the said councils shall make an annual report to the Minister, and the Minister shall lay the reports before each House of Parliament.**]**

(9) . . . . . [F19]

(12) In this section the expression "manufactured fuel" means any manufactured fuel (including carbonised briquettes and ovoids) of which coal or coke is the principal constituent.

Textual Amendments

F17 S. 4(1)-(8) repealed as to Industrial Coal Consumers' Council by European Communities Act 1972 (c. 68), **Sch. 3 Pt. IV**.

F18 Words repealed by European Communities Act 1972 (c. 68), **Sch. 3 Pt. IV**

F19 S. 4(5)(9)–(11) repealed by European Communities Act 1972 (c. 68), **Sch. 3 Pt. IV**

F20 Words substituted by virtue of S.I. 1981/1670, **arts. 2(1)(c)(2)**, 3(5)

F21 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

Modifications etc. (not altering text)

C11 S. 4 amended by Coal Consumers' Councils (Northern Irish Interests) Act 1962 (c. 22), **s.1**

C12 S. 4(2) modified by Chronically Sick and Disabled Persons Act 1970 (c. 44), **s. 14(1)**

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Transfer of assets to the Board

[F22]5 . . . . . .

Textual Amendments

F22 S. 5 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with s. 40(7), 66); S.I. 1994/2553, **art. 2**

[F23]6 . . . . . .

Textual Amendments

F23 S. 6 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40, 66); S.I. 1994/2553, **art. 2**

[F24]7 . . . . . .

Textual Amendments

F24 S. 7 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

[F25]8 . . . . . .

Textual Amendments

F25 S. 8 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

[F26]9 . . . . . .

Textual Amendments

F26 S. 9 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

10—25. . . . . . .[F27]

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Textual Amendments

F27 Ss. 5(4),(10)–(25)repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. X**

Financial provisions

26 . . . . . [F28]

Textual Amendments

F28 Ss. 26, 27(1)–(3), (9) repealed by Coal Industry Act 1965 (c. 82), **Sch. 2**

[[F29]27 Temporary borrowing powers of the Board.

(1) . . . . . [F30]

(4) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of **[**[F31]the payment of interest on and the discharge of any other financial obligation in connection with**]**, any sum borrowed by the **[**[F32]Corporation**]**, otherwise than from the Minister, under **[**[F33]**[**[F34]section 1**]** of the [M1]Coal Industry Act 1965**][**[F35]or under section 2(3) of the [M2]Coal Industry Act 1973**]**.

(5) Any sums required by the Treasury for fulfilling any such guarantee shall be charged on and issued out of the Consolidated Fund.

(6) Immediately after any guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament, and where any sum is issued out of the Consolidated Fund for fulfilling such a guarantee the Treasury shall, as soon as possible after the end of each financial year beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.

(7) Any sum issued for fulfilling a guarantee given under this section shall be repaid by the **[**[F32]Corporation**]**to the Treasury, together with interest thereon at such rate as the Treasury may determine, in such manner, and over such period, as the Treasury may determine after consultation with the Minister.

(8) Any sums received by the Treasury under the last preceding subsection shall be paid into the Exchequer.

(9) . . . . . [F30]**]**

Textual Amendments

F29 S. 27 substituted by Coal Industry Act 1962 (11 & 12 Eliz. 2 c. 6), **s. 1**
F30 Ss. 26, 27(1)–(3), (9) repealed by Coal Industry Act 1965 (c. 82), **Sch. 2**
F31 Words substituted by Miscellaneous Financial Provisions Act 1983 (c. 29, SIF 99:1) s. 4, Sch. 2
F32 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**
F33 Words substituted by Coal Industry Act 1965 (c. 82), **Sch. 1 para. 1**
F34 Words substituted by Coal Industry Act 1971 (c. 16), **s. 4(2)**

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F35 Words added by Coal Industry Act 1973 (c. 8), **Sch. 1 para. 2**

Marginal Citations

M1 1965 c. 82.

M2 1973 c. 8.

28 Payments to the Minister by the Corporation.

(1) The **[**[F36]Corporation**]**shall make to the Minister, at such times and in such manner as he may, with the approval of the Treasury, direct,—

[F37](a) . . . . . .

[[F38](b) payments of interest on sums lent to the **[**[F36]Corporation**]**by the Minister under section 1(6) of the [M3]Coal Industry Act 1965 at such rate as he may so direct, and payments, of such amounts as he may so direct, in or towards repayment of such sums.**]**

(2) Sums received by the Minister under this section shall be paid into the Exchequer . . . [F39]

(3) The Minister shall lay before each House of Parliament a statement of any payments due from the **[**[F36]Corporation**]**under this section which are not duly paid to him as required thereunder.

Textual Amendments

F36 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

F37 S. 28(1)(*a*) repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. X**

F38 S. 28(1)(*b*) substituted by Coal Industry Act 1965 (c. 82), **Sch. 1 para. 2**

F39 Words repealed by National Loans Act 1968 (c. 13), **Sch. 6 Pt. I**

Modifications etc. (not altering text)

C13 S. 28 excluded and extended by Coal Industry Act 1980 (c. 50, SIF 86), **s. 2(2)**

C14 S. 28(1)(b)(2) amended by National Loans Act 1968 (c. 13), **Sch. 1**

Marginal Citations

M3 1965 c. 82.

29 Reserve fund of the Board.

(1) The Board shall establish a reserve fund.

(2) The management of the said fund, the sums to be carried from time to time to the credit thereof, and the application thereof, shall be as the **[**[F40]Corporation**]**may determine:

Provided that—

(a) no part of the said fund shall be applied otherwise than for purposes of the **[**[F40]Corporation**]**; and

(b) the power of the Minister to give directions to the **[**[F40]Corporation**]**shall extend to the giving to them, with the approval of the Treasury, of directions as to any matter relating to the establishment or management of the said fund, the carrying of sums to the credit thereof, or the application thereof, notwithstanding that the directions may be of a specific character.

Textual Amendments

F40 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

[F41]30 . . . . . .

Textual Amendments

F41 S. 30 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

31 Board's accounts and audit thereof.

(1) The **[**[F42]Corporation**]**shall keep proper accounts and other records in relation thereto, and shall prepare in respect of each financial year of the **[**[F42]Corporation**]**a statement of accounts in such form as the Minister may direct, being a form which shall conform with the best commercial standards and which shall distinguish the colliery activities and each of the main ancillary activities of the **[**[F42]Corporation**][**[F43]in Great Britain or elsewhere**]**.

(2) The accounts of the **[**[F42]Corporation**]**shall be audited by auditors to be appointed annually by the Minister.

(3) So soon as the accounts of the **[**[F42]Corporation**]**have been audited, they shall send a copy of the statement of accounts referred to in subsection (1) of this section to the Minister together with a copy of any report made by the auditors on that statement or on the accounts of the **[**[F42]Corporation**]**.

(4) The Minister shall lay a copy of every such statement and report before each House of Parliament.

Textual Amendments

F42 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

F43 Words added by Coal Industry Act 1977 (c. 39), **Sch. 4 para. 1(4)**

Modifications etc. (not altering text)

C15 S.31(1) amended by Coal Industry Act 1971 (c. 16), **s. 8(1)**

32 Issue of stock in exchange for Coal Commission Stock.

(1) The Treasury shall have power to issue to the National Debt Commissioners such an amount of government stock of such value on the date of issue thereof as is requisite for fulfilling any agreement made between them for the exchange of Coal Commission Stock for stock of His Majesty's Government in the United Kingdom.

(2) The Treasury may cancel any Coal Commission Stock surrendered to them in pursuance of any such agreement.

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33 General provisions as to stock.

(1) Stock issued for compensation, . . . [F44] and stock issued for the purposes of the exchange provided for by the last preceding section, shall bear such rate of interest, and be subject to such conditions as to repayment, redemption and other matters (including provision for a sinking fund), as the Treasury may determine.

(2) Any expenses incurred in connection with the issue or repayment of such stock shall be charged on and issued out of the **[**[F45]National Loans Fund**]**.

(3) . . . . . [F46]

(4) . . . . . [F47]

(5) . . . . . [F48]

(6) Section forty-seven of the [M4]Finance Act 1942 (which empowers the Treasury to make regulations as respects the transfer and registration of stock and registered bonds of the descriptions specified in Part I of the Eleventh Schedule to that Act), and any regulations made under that section which are in force immediately before the passing of this Act, shall have effect as if such stock . . . [F44] were included among the stocks mentioned in the said Part I and among the stocks to which the said regulations apply.

(7) Such stock shall be subject to the provisions of the [M5]National Debt Act 1870, so far as is consistent with the tenor of this Act.

[F49](8) Paragraphs 3 . . . [F50] and 5 of the Second Schedule to the [M6]National Loans Act 1939 (which applies certain enactments to securities issued under that Act), shall have effect as if references to securities so issued included references to such stock.]

Textual Amendments

F44 Words repealed by Coal Industry Act 1949 (c. 53), **s. 6**

F45 Words substituted by National Loans Act 1968 (c. 13), **Sch. 5**

F46 S. 33(3) repealed by National Loans Act 1968 (c. 13), **Sch. 6 Pt. I**

F47 S. 33(4) repealed by Finance Act 1954 (c. 44), **Sch. 6**

F48 S. 33(5), 34(2) repealed by National Loans Act 1968 (c. 13), **Sch. 6 Pt. I**

F49 S. 33(8) repealed (5.11.1993) by 1993 c. 50, s. 1(1), 4(2)(c), **Sch. 1 Pt. IX** Group 1 (with effect so far as relating to stock registered in the National Savings Stock Register, on the coming into force of the first regulations made by virtue of section 3(1)(bb) of the National Debt Act 1972 (c. 65)).

F50 Words repealed by Income Tax Act 1952 (c. 10), **Sch. 25**

Marginal Citations

M4 1942 c. 21.

M5 1870 c. 71.

M6 1939 c. 17.

34 Issues out of the Consolidated Fund for money payments and for advances to the Board.

(1) The Treasury may issue to the Minister out of the **[**[F51]National Loans Fund**]** such sums as are necessary to enable him to make **[**[F52]money payments under this Act and loans to the Board under section 1(6) of the [M7]Coal Industry Act 1965**]**.

(2) . . . . . [F53]

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Textual Amendments

F51 Words substituted by National Loans Act 1968 (c. 13), **Sch. 1**

F52 Words substituted by Coal Industry Act 1965 (c. 82), **Sch. 1 para. 3**

F53 S. 34(2) repealed by National Loans Act 1968 (c. 13), **Sch. 6 Pt. I**

Marginal Citations

M7 1965 c. 82.

35 Account of Minister's receipts.

(1) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct, an account of sums received by him under section twenty-eight of this Act, and of sums issued to and received by him under subsection (1) of the last preceding section, and of the disposal by him of those sums respectively.

(2) Any account prepared under this section shall, on or before the thirtieth day of November next following the expiration of the financial year in question, be transmitted to the Comptroller and Auditor General, who shall examine and certify the account and lay copies thereof, together with his report thereon, before each House of Parliament.

Savings, and provisions consequential on nationalisation

[F54]36 . . . . . .

Textual Amendments

F54 S. 36 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

37 Provisions as to superannuation, etc., rights.

(1) Regulations shall be made for all or any of the following purposes relating to pensions, gratuities and other like benefits, that is to say,—

(a) for providing for such benefits in favour of persons who have been in the **[**[F55]Corporation's**]** employment, or in favour of other persons by reference to the employment of such persons;

(b) for providing for such benefits in favour of persons who have been in employment in or in connection with coal industry activities or transferred allied activities but have not been taken into the service of the **[**[F56]Corporation**]**, or in favour of other persons by reference to the employment of such persons:

(c) for the establishment and administration of schemes or other arrangements and of funds for the purposes of the preceding paragraphs, for the continuance, amendment or revocation of existing schemes or other arrangements relating to the like purposes (whether subsisting by virtue of trust, contract or otherwise) and of trust deeds, rules or other instruments made for the purposes thereof, for the transfer in whole or in part or extinguishment of liabilities

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under any such existing schemes or arrangements, and for the transfer in whole or in part, or winding up, of funds held for the purposes of any such existing schemes or arrangements, so however that nothing in this paragraph shall be construed as authorising diversion of any such funds to purposes other than those of the preceding paragraphs.

[[F57](1A) Regulations may be made for providing pensions, gratuities and other like benefits in favour of persons specified in the Table in Schedule 2A to this Act, and references in subsection (1)(*c*) above to the purposes of paragraphs (*a*) and (*b*) of that subsection shall include references to the purposes of this subsection.**]**

(2) In the case of persons, whether taken into the service of the **[**[F56]Corporation**]**or not, who have been in employment in or in connection with coal industry activities or transferred allied activities before the primary or other relevant vesting date, the regulations to be made for the purposes of the preceding subsection shall be so framed as to secure that, where either—

(a) a right to, . . . [F58] any particular benefits in favour of any such person, or in favour of another person by reference to his employment, ceases or is prejudiced by reason of his ceasing in consequence of the passing of this Act to be employed by his previous employer or to be employed in the activities aforesaid, or

(b) any such person has retired from employment as aforesaid before the primary or other relevant vesting date, and he, or another person by reference to his employment, has been in receipt of benefits granted in respect of his employment, whether as of right or under customary practice,

the same benefits, or substituted benefits not less advantageous, shall be provided for under the regulations:

Provided that this subsection shall have effect subject to such limitations as may be prescribed for meeting cases in which any such rights, expectations or benefits may have been created or granted, otherwise than in the ordinary course, in connection with any provision made by this Act or with any anticipation of the making of any such provision.

(3) Regulations made for the purposes of this section may be made so as to have effect from a date earlier than that on which they are made.

(4) Liabilities (whether of obligation or under customary practice) in relation to pensions, gratuities and other like benefits, of a kind subsisting under such existing schemes or arrangements as aforesaid in connection with the carrying on of any coal industry activities or transferred allied activities, shall be taken into account in the valuation of compensation units comprising transferred interests owned, or in things used, for such activities, and the amount referred to in subsection (4) of section thirteen of this Act which a compensation unit might have been expected to realise on the assumed sale therein referred to shall be estimated on the basis that the purchaser would be in the like position as the owner of the transferred interests comprised in the unit as respects such liabilities and as respects resort to any transferred funds held for the purposes of such existing schemes or arrangements.

Textual Amendments

F55 Words substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(4)**

F56 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

F57 S. 37(1A) inserted by Coal Industry Act 1977 (c. 39), **s. 12(1)**

F58 Words repealed retrospectively by Coal Industry Act 1949 (c. 53), **s. 4(3)**

Modifications etc. (not altering text)

C16 S. 37 amended retrospectively by Coal Industry Act 1949 (c. 53), **s. 4(1)**; extended by Coal Industry Act 1949 (c. 53), **s. 4(4)** and Coal Industry Act 1965 (c. 82), **s. 4(1)**

C17 S. 37(1)(a) extended by Miners' Welfare Act 1952 (c. 23), **s. 14**

C18 S. 37(1)(c) extended by Coal Industry Act 1949 (c. 53), **s. 4(2)**

[F59]38 . . . . . .

Textual Amendments

F59 S. 38 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

[F60]39 . . . . . .

Textual Amendments

F60 S. 39 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

40 . . . . . **[F61]**

Textual Amendments

F61 S. 40 repealed by Miners' Welfare Act 1952 (c. 23), **Sch. 2**

41 Power to vary trusts of property provided out of the Miners' Welfare Fund.

[[F62](1) Where any trusts subsisting immediately before the first day of July, nineteen hundred and fifty-two, are in force in respect of property consisting—

(a) of property representing an application of moneys standing to the credit of the miners' welfare fund; or

(b) of property representing such an application and other property held therewith where the value of the property representing such application substantially exceeds the value of that other property,

and it appears to the Minister that any variation of those trusts (including provisions relating to the appointment or removal of trustees) is expedient in the interests of social welfare activities, he may by order make provision for that variation.

(2) No order shall be made under this section except on the application of the Social Welfare Organisation, nor unless the Minister is satisfied that the said Organisation have given notice by advertisement or otherwise, describing the proposals and affording to persons who would be affected thereby an opportunity to object to them,

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and have taken such other steps (if any) as appear to the Minister to be appropriate in the circumstances for ascertaining the views of such persons.**]**

(3) Trusts as varied by an order under this section may be varied by a subsequent order made thereunder.

(4) F63

Textual Amendments

F62 S. 41(1)(2) substituted by Miners' Welfare Act 1952 (c. 23), **s. 11(1)**

F63 S. 41(4) repealed by Charities Act 1960 (c. 58), **Sch. 7 Pt. II**

Modifications etc. (not altering text)

C19 "Social Welfare Organisation" means Coal Industry Social Welfare Organisation incorporated under Companies Act 1948 (c. 38): Miners' Welfare Act 1952 (c. 23), **s. 12(1)**

F64**42** . . . . . .

Textual Amendments

F64 S. 42 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

43 . . . . . F65

Textual Amendments

F65 S. 43 repealed by Mines (Working Facilities and Support) Act 1966 (c. 4), **s. 15(2)**. Sch. 1

F66**44** . . . . . .

Textual Amendments

F66 S. 44 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

45 Provisions as to Doncaster Drainage District and certain dock etc., undertakings.

(1) His Majesty may by Order in Council make such provision as appears to him to be requisite or expedient, in consequence of the passing of this Act for—

(a) modifying or discharging rights conferred and obligations imposed by the M8Doncaster Area Drainage Act 1929, or the M9Doncaster Area Drainage Act 1933, on mine-owners working or proposing to work minerals under any lands situated within the Doncaster Drainage District or on the Catchment Board of the River Ouse (Yorks) Catchment Area or the Catchment Board of the River

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Trent Catchment Area, or for substituting other rights and obligations in lieu of all or any of the rights and obligations so conferred and imposed;

(b) varying the constitutions of the said Catchment Boards.

(2) His Majesty may by Order in Council make such provision as appears to him to be requisite or expedient, in consequence of the passing of this Act, with respect to the Blyth Harbour Commissioners, the Upper Mersey Navigation Commissioners, the Commissioners of the Port or Harbour of Newport and the Tyne Improvement Commission, and any other body carrying on a dock, harbour, canal or inland navigation undertaking under authorisation conferred by an Act or by an order or scheme made under, or confirmed by, an Act, being an Act, or an order or scheme, as the case may be, which provides for the representation on the body of the interests of persons of a class of which the Board are members.

(3) An Order in Council under either of the preceding subsections may make provision for any incidental or supplementary matters for which it appears to His Majesty in Council to be requisite or expedient for the purposes of the Order to provide, and for any requisite amendment or repeal (in the case of an Order under subsection (1)) of any provision of the [M10]Doncaster Area Drainage Act 1929, or the [M11]Doncaster Area Drainage Act 1933, and (in the case of an Order under subsection (2)) of any provision of any Act, order or scheme regulating the constitution of any such body as is mentioned in that subsection.

(4) The draft of any Order in Council proposed to be made under subsection (1) or (2) of this section shall not be submitted to His Majesty until it has lain before each House of Parliament for a period of forty days, and if within that period either House of Parliament resolves that the draft be not submitted to His Majesty, no further proceedings shall be taken thereon, but without prejudice to the laying before Parliament of a new draft.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(5) An Order in Council under subsection (1) or (2) of this section may be varied or revoked by a subsequent Order in Council thereunder.

Marginal Citations

M8 1929 c. xvii.
M9 1933 c. x.
M10 1929 c. xvii.
M11 1933 c. x.

Miscellaneous provisions as to the Corporation

46 Duty of the Corporation as to establishment of machinery for settlement of terms and conditions of employment, etc.

(1) It shall be the duty of the **[**[F67]Corporation**]** to enter into consultation with organisations appearing to them to represent substantial proportions of the persons in the employment of the **[**[F67]Corporation**]**, or of any class of such persons, as to the

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[[F68]Corporation's**]** concluding with those organisations agreements providing for the establishment and maintenance of joint machinery for—

(a) the settlement by negotiation of terms and conditions of employment, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements; and

(b) consultation on—

(i) questions relating to the safety, health or welfare of such persons;

(ii) the organisation and conduct of the operations in which such persons are employed and other matters of mutual interest to the **[**[F67]Corporation**]** and such persons arising out of the exercise and performance by the **[**[F67]Corporation**]**of their functions.

(2) The **[**[F67]Corporation**]** shall deposit with **[**[F69]the Secretary of State**]** copies of any such agreement as aforesaid entered into by the **[**[F67]Corporation**]** and of any instrument varying the terms of any such agreement.

Textual Amendments

F67 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

F68 Words substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(4)**

F69 Words substituted by virtue of S.I. 1957/48 (1957 I, p. 1439), 1959/1769 (1959 I, p. 1795), art. 2(1), 1968/729, arts. 2(1), 3(2), 1969/1498, arts. 2(1), 5(6) and 1970/1537, arts. 2(2), 3, 7(4)

47 Corporation not to be exempt from taxation, etc.

Nothing in this Act shall be deemed to exempt the **[**[F70]Corporation**]**from liability for any tax, duty, rate, levy, or other charge whatsoever, whether general or local.

Textual Amendments

F70 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

[F71]48 . . . . . .

Textual Amendments

F71 S. 48 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

49 Provisions as to liability of the Corporation in actions, etc.

(1) . . . . . [F72]

(3) No right adverse to the title of the **[**[F73]Corporation**]**to any coal or mine of coal shall be capable of being acquired under the [M12]Limitation Act 1939.

(4) For the avoidance of doubt it is hereby declared that the authorisations conferred on the **[**[F73]Corporation**]**by section one of this Act, whilst discharging them in the exercise and performance of the functions therein mentioned from limitations to which they might

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otherwise have been subject arising from the law relating to the capacity of statutory corporations, are not to be construed as authorising disregard of any enactment or any act or omission unlawful on any other ground.

Textual Amendments

F72 S. 49(1)(2) repealed by Law Reform (Limitation of Actions, &c.) Act 1954 (c. 36), s. 1, **Sch.**

F73 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

Marginal Citations

M12 1939 c. 21.

50 . . . . . [F74]

Textual Amendments

F74 S. 51 repealed by Public Records Act 1958 (c. 51), **Sch. 4**

51 . . . . . [F75]

Textual Amendments

F75 S. 51 repealed by Public Records Act 1958 (c. 51), **Sch. 4**

[F76]**52** . . . . . .

Textual Amendments

F76 S. 52 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. III** (with ss. 40(7), 66); S.I. 1994/2552, art. 2, **Sch. 1**

[F77]**53** . . . . . .

Textual Amendments

F77 S. 53 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

[F78]**54 Annual report of the Corporation.**

(1) The **[**[F79]Corporation**]** shall, as soon as possible after the end of each financial year of the **[**[F79]Corporation**]** make to the Minister a report on the exercise and performance by them of their functions **[**[F80]in Great Britain or elsewhere**]** during that year and on

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their policy and programmes, and the Minister shall lay a copy of every such report before each House of Parliament.

(2) The report for any year shall set out any direction given by the Minister to the **[**[F79]Corporation**]**during that year unless the Minister has notified to the **[**[F79]Corporation**]**his opinion that it is against the national interest so to do.

Textual Amendments

F78 S. 54 amended (30.11.1991) by Coal Mining Subsidence Act 1991 (c. 45, SIF 86), **s. 49(4)**(with ss. 37(4), 53(1), Sch. 7); S.I. 1991/2508, **art.2**

F79 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

F80 Words inserted by Coal Industry Act 1977 (c. 39), **Sch. 4 para. 1(6)**

General

55 Payment of certain expenses of the Minister out of moneys provided by Parliament.

There shall be paid out of moneys provided by Parliament any expenses incurred by the Minister in—

(a) the payment of remuneration, allowances, expenses and costs which he is required to pay by virtue of subsection (6) of section four . . . [F81]

Textual Amendments

F81 Words repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. X**

56 Restriction on disclosure of information.

(1) No information relating to any individual business, being information which has been obtained by, or on behalf of, any person for the purposes of functions of his under this Act, shall, without the previous consent in writing of the owner for the time being of that business, be published or disclosed otherwise than in connection with the execution, or for the purposes of, this Act **[**[F82]or the Coal Industry Act 1994**]**or of any regulation having effect by virtue of **[**[F83]those Acts**]**.

(2) Nothing in the preceding subsection shall apply to any publication or disclosure of any information made for the purposes of any legal proceedings (including arbitrations) pursuant to this Act **[**[F82]or the Coal Industry Act 1994**]**, or of any criminal proceedings which may be taken whether pursuant to **[**[F83]those Acts**]** or otherwise, or for the purposes of any report of any such proceedings as aforesaid.

(3) If any person publishes or discloses any information in contravention of this section, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

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Textual Amendments

F82 Words in s. 56(1)(2) inserted (31.10.1994)(*temp.*) by 1994/2552, art. 4(1)(2)(a)

F83 Words in s. 56(1)(2) substituted (31.10.1994) (*temp.*) by 1994/2552, art. 4(1)(2)(b)

[F84]57 . . . . . .

Textual Amendments

F84 S. 57 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. III** (with ss. 40(7), 66); S.I. 1994/2552, art. 2, **Sch. 1**

[F85]58 . . . . . .

Textual Amendments

F85 S. 58 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. III** (with ss. 40(7), 66); S.I. 1994/2552, art. 2, **Sch. 1**

59 Provisions as to prosecutions, and as to offences by corporations.

(1) Proceedings for an offence against this Act or regulations made thereunder shall not, in England, be instituted except by or with the consent of the Minister or by the Director of Public Prosecutions.

(2) Where an offence against this Act or regulations made thereunder has been committed by a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the contravention was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

60 Service of notices, etc.

Any notice or other document required or authorised to be given, made, delivered or served under this Act or regulations made thereunder may be given, made, delivered or served either—

(a) by delivering it to the person to whom it is to be given, made or delivered, or on whom it is to be served; or

(b) by leaving it at the usual or last known place of abode of that person; or

(c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or

(d) in the case of an incorporated company or body, the Central Valuation Board or a District Valuation Board, by delivering it to the secretary or clerk of the company, body or Board at their registered or principal office or sending it in

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a prepaid registered letter addressed to the secretary or clerk of the company, body or Board at that office; or

(e) if it is not practicable after reasonable inquiry to ascertain the name or address of a person to whom it should be given, made or delivered, or on whom it should be served, as being a person having any interest in land, by addressing it to him by the description of the person having that interest in the premises (naming them) to which it relates, and delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, affixing it, or a copy of it, to some conspicuous part of the premises.

Modifications etc. (not altering text)

C20 References to registered letter to be construed as including references to letter sent by recorded delivery service: Recorded Delivery Service Act 1962 (c. 27), s. 1(1)(2), **Sch. para. 1**

61 Arbitration under this Act.

(1) For the purposes of the determination of any question as to which this Act or any regulation made thereunder provides that it is to be determined by arbitration under this Act, a panel of persons to act as arbitrators shall be appointed by the Lord Chancellor, and the Lord Chancellor shall nominate two members of the panel as chairman thereof and as deputy chairman respectively.

(2) Any such question as aforesaid shall be determined by the arbitration of such member of the panel as the chairman, or, in the event of the chairman's being temporarily absent or unable to act, the deputy chairman, may select.

62 Provisions as to regulations.

(1) Regulations made (whether by the Minister or by the Treasury) for the purposes of any provision of this Act (in this section referred to, in relation to the regulations in question, as "the authorising enactment") may, in addition to providing for any matters specified in the authorising enactment, provide—

(a) for imposing limits of time within which things to be done for the purposes of the regulations must be done, with or without power to any authority therein specified to extend limits imposed;

(b) for punishing persons offending against provisions of the regulations;

(c) for the determination of questions of fact or of law which may arise in giving effect to the regulations, and as to evidence for that purpose, and for regulating (otherwise than in relation to any court proceedings) any matters relating to the practice and procedure to be followed in connection with the determination of such questions, including provision as to parties and their representation and provision for the right to appear and be heard (as well in court proceedings as otherwise) of the Minister, District Valuation Boards, referees, or other authorities, and as to awarding costs of proceedings for the determination of such questions, determining the amount thereof and the enforcement of awards thereof;

(d) for amending or repealing enactments inconsistent with the provision to be made for the purposes of the authorising enactment, and for applying enactments with or without modification; and

(e) for any incidental or supplementary matters for which it appears to the Minister to be necessary or expedient for the purposes of the authorising enactment to provide.

Provided that any punishment imposed by virtue of paragraph (*b*) of this subsection shall not exceed that provided for by section fifty-eight of this Act or, in the case of a fine imposed in respect of each day on which a person is in default, five pounds.

(2) Regulations made (whether by the Minister or by the Treasury) under this Act shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament within the period of forty days beginning with the day on which any such regulations are laid before it resolves that the regulations be annulled, the regulations shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of new regulations. . . . [F86]

(3) . . . . . [F87]

Textual Amendments

F86 Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XII**

F87 S. 62(3) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XII**

63 Interpretation.

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

"coal" means bituminous coal, cannel coal and anthracite;

"coal industry activities" means colliery production, electricity, transport, sales and welfare activities, as defined in Part I of the First Schedule to this Act, and the activities incidental thereto mentioned in paragraph 7 of that Schedule:

"coal industry value" has the meaning assigned to it by paragraph (*a*) of subsection (2) of section ten of this Act;

"colliery activities" means searching or boring for, winning, working or getting, coal, bringing it to the surface, treating it and rendering it saleable, and includes depositing spoil arising from working coal or from any other of the activities mentioned in this definition;

"colliery concern" means a company whose business includes, or at any time on or after the first day of January, nineteen hundred and forty-six, included, the working of coal (excluding working undertaken for the purpose of digging or carrying away coal in the course of activities other than colliery activities, and working undertaken only as ancillary to the working of minerals other than coal), and any other person whose business includes, or at any such time included, such working of coal as aforesaid;

"Consolidated Fund" means the Consolidated Fund of the United Kingdom, . . . [F88];

"district wages ascertainments" means the periodical ascertainments of the results of the coal industry in accordance with which the wages of mineworkers have been regulated under agreements in that behalf entered into between colliery owners and mineworkers;

"documents" includes plans, sections, records of survey and similar things;

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. . . [F89]

"former freeholder's lease" has the meaning assigned to it by subsection (8) of section eleven of this Act;

"functions" includes both duties and powers;

"mine of coal" means a space occupied by unworked coal or excavated underground for the purposes of colliery activities, and includes a shaft or adit made for those purposes, a coal quarry and opencast workings of coal;

"the Miner's Welfare Fund" means the fund constituted by subsection (1) of section twenty of the [M13]Mining Industry Act 1920:

"the Minister" means **[**[F90]the Secretary of State**]**;

"money payment" has the meaning assigned to it by subsection (3) of section eighteen of this Act;

"prescribed" means prescribed by regulations;

"primary vesting date" has the meaning assigned to it by subsection (1) of section five of this Act;

"regulations" means regulations made by the Minister;

"stock issued for compensation" has the meaning assigned to it by subsection (5) of section twenty-one of this Act;

"transferred allied activities" means such activities as are—

(a) of a kind referred to in Part II or III of the First Schedule to this Act in relation to the vesting in the Board by option of interests as being interests in things used, available for use or required for certain activities, or as being owned for certain activities, and

(b) of a kind for which interests that in fact so vest were owned at the date of the vesting or for which things wherein those interests then subsisted were then used,

and that expression includes also activities in connection with farms interests in which in fact so vest, and such activities as are mentioned in sub-paragraph (2) of paragraph 21 of that Schedule;

"transferred interests" has the meaning assigned to it by section nine of this Act;

"utilities" means electricity, gas, water, steam, compressed air and hydraulic power;

"value for subsidiary purposes" has the meaning assigned to it by paragraph (*b*) of subsection (2) of section ten of this Act.

[F91](2) . . . . . .

(3) **[**[F92]Except as otherwise expressly provided**]** references in this Act to activities of any kind (whether or not described by that word) shall be construed as limited to activities of that kind carried on in Great Britain, but not so as to exclude, in the case of selling or supplying, selling or supplying for export or selling or supplying imported goods in Great Britain.

(4) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

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Textual Amendments

F88 Words repealed by Statute Law Revision Act 1963 (c. 30)

F89 Definition repealed by Coal Industry Act 1956 (c. 61), **s. 2**

F90 Words substituted by virtue of S.I. 1957/48 (1957 I, p. 1439), 1969/1498, arts. 2(1), 5(6) and 1970/1537, arts. 2(2), 7(4)

F91 S. 63(2) repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. III** (with ss. 40(7), 66); S.I. 1994/2552, art. 2, **Sch. 1**

F92 Words inserted by Coal Industry Act 1977 (c. 39), **Sch. 4 para. 1(7)**

Modifications etc. (not altering text)

C21 S. 63(3) restricted by Coal Industry Act 1977 (c. 39), **s. 11(1)**

Marginal Citations

M13 1920 c. 50.

64 Application to Scotland.

(1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.

(2) For any reference to the High Court there shall be substituted a reference to the Court of Session; **[**[F93]the expression "charge or lien for securing money or money's worth" includes a heritable security other than a standard charge constituted by section twelve of the [M14]Church of Scotland (Property and Endowments) Act 1925, and does not include any stipend;**]** the expression "easement" means servitude; the expression "leasehold interest" means the interest of a lessee in property subject to a lease, . . . [F94].

(3) The assets vested in the Board by virtue of section five of this Act shall, so far as consisting of feudal property, include any right of superiority therein other than that of the Crown.

(4) Subsection (7) of section five of this Act shall have effect as if there were added at the end thereof the following paragraph:

"(h) for the completion of the title of the Board to heritable property vesting in them by virtue of this section by the execution and recording in the General Register of Sasines of conveyances of or instruments relating to such property."

(5) . . . . . [F95]

(6) Subsection (4) of section forty-one of this Act shall not apply to orders relating to land in Scotland or to personal estate to be laid out in the purchase of such land.

(7) Section forty-eight of this Act shall have effect as if in paragraph (*c*) of subsection (1) thereof for the reference to section seventy-nine A of the provisions therein mentioned there were substituted a reference to section seventy-two A of the provisions substituted by Part II of the [M15]Mines (Working Facilities and Support) Act 1923, as that Part applies to Scotland for sections seventy-one to seventy-eight of the [M16]Railways Clauses Consolidation (Scotland) Act 1845.

(8) Section forty-nine shall have effect as if in subsection (3), for the words "under the Limitation Act 1939", there were substituted the words "by prescriptive possession".

Status: *Point in time view as at 31/10/1994.*
Changes to legislation: *Coal Industry Nationalisation Act 1946 is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9) Documents belonging to the **[**[F96]Corporation**]** shall for the purposes of subsection (1) of section five of the [M17]Public Records (Scotland) Act 1937, be deemed to be records belonging to His Majesty.

(10) Section sixty-one shall have effect with the substitution for any reference to the Lord Chancellor of a reference to the Secretary of State.

Textual Amendments

F93 Words inserted retrospectively by Coal Industry Act 1949 (c. 53), **s. 7**

F94 Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XIII**

F95 S. 64(5) repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. X**

F96 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

Marginal Citations

M14 1925 c. 33.

M15 1923 c. 20.

M16 1845 c. 33.

M17 1937 c. 43.

65 †Short title, extent and repeal.

(1) This Act may be cited as the Coal Industry Nationalisation Act 1946.

(2) This Act shall not extend to Northern Ireland.

(3) . . . . . [F97]

Textual Amendments

F97 S. 65(3) repealed by Statute Law Revision Act 1950 (c. 6)

Modifications etc. (not altering text)

C22 Unreliable marginal note

Status: *Point in time view as at 31/10/1994.*
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SCHEDULES

[F98]FIRST SCHEDULE

. . . . . .

Textual Amendments

F98 Sch. 1 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

[F99]SECOND SCHEDULE

. . . . . .

Textual Amendments

F99 Sch. 2 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

[[F100]SCHEDULE 2A]

ELIGIBILITY FOR SUPERANNUATION RIGHTS

Textual Amendments

F100 Sch. 2A inserted by Coal Industry Act 1977 (c. 39), **Sch. 3**

The table below sets out classes of persons for whom rights may be provided under section 37(1A) of this Act.

TABLE

1	Any person who has been in the employment of a subsidiary of the [[F101]Corporation].

Textual Amendments

F101 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

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2 Any person who has been in the employment of a body corporate in which the **[**[F102]Corporation**]** then had an interest of a kind defined by regulations under section 37 of this Act and which was then, or at any earlier time, a subsidiary of the **[**[F102]Corporation**]**.

Textual Amendments
F102 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

3 (1) Any person who has been in the employment of a body corporate to which this head then applied.

(2) This head applies to a body corporate in which the **[**[F103]Corporation**]**, or a subsidiary of the **[**[F103]Corporation**]**, has an interest of a prescribed kind where—

(a) more than one-half in nominal value of the equity share capital of the body corporate is held by nationalised bodies, or

(b) its members consist of or include nationalised bodies, and those nationalised bodies can together control the composition of the **[**[F103]Corporation**]**of directors of the body corporate, or

(c) the body corporate is a subsidiary of another body corporate to which this head applies.

(3) In this head "prescribed" means prescribed by regulations under section 37 of this Act, and those regulations may prescribe different kinds of interests for cases within paragraphs (*a*), (*b*) and (*c*) above respectively.

Textual Amendments
F103 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

4 Any person who has been in the employment of a partnership where—

(a) the **[**[F104]Corporation**]**or a subsidiary of the **[**[F104]Corporation**]** was one of the partners, and

(b) that partner, together with any other partners who were nationalised bodies, had an interest, or interests, in the partnership satisfying conditions prescribed by regulations under section 37 of this Act.

Textual Amendments
F104 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

5 Other persons, so far as benefits in their favour are by reference to the employment of persons within heads 1, 2, 3 or 4 above.

In this Table—

"nationalised body" means—

(a) a body corporate established by or under any enactment for the carrying on of any industry or part of an industry, or of any undertaking, under national ownership or control, or

(b) a subisidiary of such a body corporate,

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"subsidiary" has the meaning given by **[**[F105]section 736 of the Companies Act 1985**]**.

Textual Amendments

F105 Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XIII**

[F106]THIRD SCHEDULE

. . . . . .

Textual Amendments

F106 Sch. 3 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

FOURTH SCHEDULE. . . . . .
F109

Textual Amendments

F109 Sch. 4 repealed by Statute Law Revision Act 1950 (c. 6)

Status:
Point in time view as at 31/10/1994.

Changes to legislation:
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