



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

II Act wholly in force at Royal Assent

The National Coal Board

^{F1} Establishment of National Coal Board and functions thereof.

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Textual Amendments

F1 S. 1 repealed: s. 1(1) repealed (31.10.1994) by [Coal Industry Act 1994 \(c. 21\)](#), ss. 23, 67(8), Sch. 11 Pt. II (with ss. 40(7), 66); [S.I. 1994/2553](#), art. 2 and words in s. 1(2)(a) repealed (31.10.1994) by ss. 23, 67(8), Sch. 11 Pt. II (with ss. 40(7), 66); [S.I. 1994/2553](#), art. 2 and s. 1 repealed in so far as not already in force (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(3)(b), [Sch. 11 Pt. IV](#) (with [Sch. 10 para. 6](#)); [S.I. 2004/144](#), art. 3

^{F2} Constitution of the Board.

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Textual Amendments

F2 S. 2 repealed: words in s. 2(2) repealed (30.6.1995) by [Coal Industry Act 1994 \(c. 21\)](#), s. 67(8), Sch. 11 Pt. III (with ss. 40(7), 66); [S.I. 1995/1507](#), art. 2, Sch. and words in s. 2(3) repealed (30.6.1995)

Status: Point in time view as at 27/03/2004.

Changes to legislation: Coal Industry Nationalisation Act 1946 is up to date with all changes known to be in force on or before 12 May 2023. 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)

by ss. 23(1)(b), 67(8), Sch. 11 Pt. III (with ss. 40(7), 66); S.I. 1995/1507, art. 2, Sch. and s. 2(5) repealed (30.6.1995) by s. 67(8), Sch. 11 Pt. III (with ss. 40(7), 66); S.I. 1995/1507, art. 2, Sch. and s. 2 repealed in so far as not yet in force (27.3.2004) by s. 68(3)(b), Sch. 11 Pt. IV; S.I. 2004/144, art. 3

3 Powers of the Minister in relation to the Corporation.

- ^{F3}(1)
- ^{F3}(2)
- ^{F3}(3)
- ^{F4}(4)

Textual Amendments

- F3** S. 3(1)-(3) repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt.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**
- F4** S. 3(4) repealed (27.3.2004) by Coal Industry Act 1994 (c. 21), s. 68(3)(b), **Sch. 11 Pt. IV**; S.I. 2004/144, **art. 3**

Modifications etc. (not altering text)

- C2** S. 3(4) extended by Coal Industry Act 1971 (c. 16), s. 7(7)

4 Consumers' councils.

- ^{F5}(1)
- ^{F5}(2)
- ^{F5}(3)
- ^{F5}(4)
- (5) **F6**
- ^{F7}(6)
- (7)
- ^{F5}(8)
- (9) **F6**
- ^{F5}(12)

Textual Amendments

- F5** S. 4(1)-(4)(7)(8)(12) repealed (1.3.1995) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. III** (with ss. 40(7), 66); S.I. 1995/273, art. 2, **Sch.**
- F6** S. 4(5)(9)-(11) repealed by European Communities Act 1972 (c. 68), **Sch. 3 Pt. IV** and expressed to be repealed (1.3.1995) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. III** (with ss. 40(7), 66); S.I. 1995/273, art. 2, **Sch.**
- F7** S. 4(6) repealed as to Industrial Coal Consumers' Council by European Communities Act 1972 (c. 68), **Sch. 3 Pt. IV**, and repealed except for the purposes therein relating to the time before 1st March 1995

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(1.3.1995) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. III** (with ss. 40(7), 66); S.I. 1995/273, art. 2, **Sch.** and repealed (27.3.2004 in so far as not already in force) by Coal Industry Act 1994 (c. 21), s. 68(4), **Sch. 11 Pt. III**; S.I. 2004/144, art. 2, **Sch.**

Modifications etc. (not altering text)

C3 S. 4 amended by **Coal Consumers' Councils (Northern Irish Interests) Act 1962 (c. 22), s.1**

Transfer of assets to the Board

F8⁵

Textual Amendments

F8 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**

F9⁶

Textual Amendments

F9 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**

F10⁷

Textual Amendments

F10 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**

F11⁸

Textual Amendments

F11 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**

F12⁹

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Textual Amendments

F12 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— **F13**
25.

Textual Amendments

F13 Ss. 5(4),(10)–(25)repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. X**

Financial provisions

26 **F14**

Textual Amendments

F14 Ss. 26, 27(1)–(3), (9) repealed by Coal Industry Act 1965 (c. 82), **Sch. 2**

F15**27** **Temporary borrowing powers of the Board.**

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Textual Amendments

F15 S. 27 repealed (27.3.2004) by Coal Industry Act 1994 (c. 21), s. 68(4), **Sch. 11 Pt. III**; S.I. 2004/144, **art. 2, Sch.**

F16**28** **Payments to the Minister by the Corporation.**

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Textual Amendments

F16 S. 28 repealed (27.3.2004) by Coal Industry Act 1994 (c. 21), s. 68(4), **Sch. 11 Pt. III**; S.I. 2004/144, **art. 2, Sch.**

F17**29** **Reserve fund of the Board.**

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Textual Amendments

F17 S. 29 repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(3)(b), [Sch. 11 Pt. IV](#); S.I. 2004/144, art. 3

F18³⁰

Textual Amendments

F18 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

F19³¹ **Board's accounts and audit thereof.**

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Textual Amendments

F19 Ss. 31-33 repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(3)(b), [Sch. 11 Pt. IV](#); S.I. 2004/144, art. 3

F19³² **Issue of stock in exchange for Coal Commission Stock.**

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Textual Amendments

F19 Ss. 31-33 repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(3)(b), [Sch. 11 Pt. IV](#); S.I. 2004/144, art. 3

F19³³ **General provisions as to stock.**

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Textual Amendments

F19 Ss. 31-33 repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(3)(b), [Sch. 11 Pt. IV](#); S.I. 2004/144, art. 3

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

F20(1)

F21(2)

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Textual Amendments

- F20** S. 34(1) repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), [Sch. 11 Pt. III](#); S.I. 2004/144, art. 2, Sch.
- F21** S. 34(2) repealed by [National Loans Act 1968 \(c. 13\)](#), [Sch. 6 Pt. I](#)

^{F22}35 Account of Minister's receipts.

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Textual Amendments

- F22** S. 35 repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), [Sch. 11 Pt. III](#); S.I. 2004/144, art. 2, Sch.

Savings, and provisions consequential on nationalisation

^{F23}36

Textual Amendments

- F23** 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 [^{F24}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 [^{F25}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 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.

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[^{F26}(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 [^{F25}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, . . . ^{F27} 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

- F24** Words substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), **Sch. 1 para. 1(4)**
- F25** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), **Sch. 1 para. 1(3)**
- F26** [S. 37\(1A\)](#) inserted by [Coal Industry Act 1977 \(c. 39\)](#), **s. 12(1)**
- F27** Words repealed retrospectively by [Coal Industry Act 1949 \(c. 53\)](#), **s. 4(3)**

Modifications etc. (not altering text)

- C4** [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)**

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- C5 S. 37(1)(a) extended by [Miners' Welfare Act 1952 \(c. 23\), s. 14](#)
- C6 S. 37(1)(c) extended by [Coal Industry Act 1949 \(c. 53\), s. 4\(2\)](#)

F28 **38**

Textual Amendments

- F28 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](#)

F29 **39**

Textual Amendments

- F29 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 F30

Textual Amendments

- F30 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.

[^{F31}(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, 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.

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(4) F32

Textual Amendments

F31 S. 41(1)(2) substituted by [Miners' Welfare Act 1952 \(c. 23\)](#), **s. 11(1)**

F32 S. 41(4) repealed by [Charities Act 1960 \(c. 58\)](#), **Sch. 7 Pt. II**

Modifications etc. (not altering text)

C7 “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)**

^{F33} 42

Textual Amendments

F33 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 F34

Textual Amendments

F34 S. 43 repealed by [Mines \(Working Facilities and Support\) Act 1966 \(c. 4\)](#), **s. 15(2)**. Sch. 1

^{F35} 44

Textual Amendments

F35 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](#)

[^{F36} 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 ^{M1}Doncaster Area Drainage Act 1929, or the ^{M2}Doncaster 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 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.

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- (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 ^{M3}Doncaster Area Drainage Act 1929, or the ^{M4}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.]

Textual Amendments

F36 S. 45 repealed (24.12.1994 for specified purposes and otherwise *prosp.*) by 1994 c. 21, ss. 67(8), 68(4), Sch. 11 Pt. III (with ss. 40(7), 66); S.I. 1994/3063, art. 2, Sch.

Marginal Citations

M1 1929 c. xvii.
M2 1933 c. x.
M3 1929 c. xvii.
M4 1933 c. x.

Miscellaneous provisions as to the Corporation

- ^{F37}**46** **Duty of the Corporation as to establishment of machinery for settlement of terms and conditions of employment, etc.**
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Textual Amendments

F37 S. 46 repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(3)(b), [Sch. 11 Pt. IV](#); S.I. 2004/144, art. 3

F38 47 Corporation not to be exempt from taxation, etc.

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Textual Amendments

F38 S. 47 repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(3)(b), [Sch. 11 Pt. IV](#); S.I. 2004/144, art. 3

F39 48

Textual Amendments

F39 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.

F40(1)

F40(2)

F41(3)

F41(4)

Textual Amendments

F40 S. 49(1)(2) repealed by [Law Reform \(Limitation of Actions, &c.\) Act 1954 \(c. 36\)](#), s. 1, [Sch.](#)

F41 S. 49(3)(4) repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(3)(b), [Sch. 11 Pt. IV](#); S.I. 2004/144, art. 3

50 **F42**

Textual Amendments

F42 S. 51 repealed by [Public Records Act 1958 \(c. 51\)](#), [Sch. 4](#)

51 **F43**

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Textual Amendments

F43 S. 51 repealed by [Public Records Act 1958 \(c. 51\)](#), [Sch. 4](#)

^{F44}**52**

Textual Amendments

F44 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](#)

^{F45}**53**

Textual Amendments

F45 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

^{F46}**54** **Annual report of the Corporation.**
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Textual Amendments

F46 S. 54 repealed (27.3.2004) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(3)(b), [Sch. 11 Pt. IV](#); S.I. 2004/144, art. 3

General

^{F47}**55** **Payment of certain expenses of the Minister out of moneys provided by Parliament.**
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Textual Amendments

F47 Ss. 55-65 repealed (27.3.2004 for the repeal of ss. 55, 64(2)(4)(6)-(9)) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), [Sch. 11 Pt. III](#); S.I. 2004/144, art. 2, [Sch.](#)

56 **Restriction on disclosure of information.**

[^{F47}(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

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the execution, or for the purposes of, this Act [^{F48}or the Coal Industry Act 1994] or of any regulation having effect by virtue of [^{F49}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 [^{F48}or the Coal Industry Act 1994], or of any criminal proceedings which may be taken whether pursuant to [^{F49}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.]

Textual Amendments

F47 Ss. 55-65 repealed (27.3.2004 for the repeal of ss. 55, 64(2)(4)(6)-(9)) by [Coal Industry Act 1994](#) (c. 21), s. 68(4), [Sch. 11 Pt. III](#); S.I. 2004/144, art. 2, Sch.

F48 Words in s. 56(1)(2) inserted (31.10.1994)(*temp.*) by 1994/2552, art. 4(1)(2)(a)

F49 Words in s. 56(1)(2) substituted (31.10.1994) (*temp.*) by 1994/2552, art. 4(1)(2)(b)

^{F50}**57**

Textual Amendments

F50 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](#)

^{F51}**58**

Textual Amendments

F51 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.

[^{F47}(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

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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.]

Textual Amendments

F47 Ss. 55-65 repealed (27.3.2004 for the repeal of ss. 55, 64(2)(4)(6)-(9)) by [Coal Industry Act 1994](#) (c. 21), s. 68(4), [Sch. 11 Pt. III](#); S.I. 2004/144, art. 2, Sch.

60 Service of notices, etc.

[^{F47}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 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.]

Textual Amendments

F47 Ss. 55-65 repealed (27.3.2004 for the repeal of ss. 55, 64(2)(4)(6)-(9)) by [Coal Industry Act 1994](#) (c. 21), s. 68(4), [Sch. 11 Pt. III](#); S.I. 2004/144, art. 2, Sch.

Modifications etc. (not altering text)

C8 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.

[^{F47}(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.

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- (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.]

Textual Amendments

F47 Ss. 55-65 repealed (27.3.2004 for the repeal of ss. 55, 64(2)(4)(6)-(9)) by [Coal Industry Act 1994](#) (c. 21), s. 68(4), [Sch. 11 Pt. III](#); S.I. 2004/144, art. 2, Sch.

62 Provisions as to regulations.

[^{F47}(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. . . . ^{F52}

- (3)] ^{F53}

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Textual Amendments

- F47** Ss. 55-65 repealed (27.3.2004 for the repeal of ss. 55, 64(2)(4)(6)-(9)) by [Coal Industry Act 1994](#) (c. 21), s. 68(4), [Sch. 11 Pt. III](#); S.I. 2004/144, art. 2, Sch.
- F52** Words repealed by [Statute Law \(Repeals\) Act 1986](#) (c. 12), s. 1(1), [Sch. 1 Pt. XII](#)
- F53** S. 62(3) repealed by [Statute Law \(Repeals\) Act 1986](#) (c. 12), s. 1(1), [Sch. 1 Pt. XII](#)

63 Interpretation.

[^{F47}(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, . . . ^{F54};

“district wages ascertainties” 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; . . . ^{F55}

“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 ^{M5}Mining Industry Act 1920:

“the Minister” means [^{F56}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;

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“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 subparagraph (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.

^{F57}(2)

- (3) [^{F58}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.]

Textual Amendments

- F47** Ss. 55-65 repealed (27.3.2004 for the repeal of ss. 55, 64(2)(4)(6)-(9)) by [Coal Industry Act 1994 \(c. 21\)](#), s. 68(4), [Sch. 11 Pt. III](#); S.I. 2004/144, art. 2, Sch.
- F54** Words repealed by [Statute Law Revision Act 1963 \(c. 30\)](#)
- F55** Definition repealed by [Coal Industry Act 1956 \(c. 61\)](#), s. 2
- F56** 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)
- F57** 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](#)
- F58** Words inserted by [Coal Industry Act 1977 \(c. 39\)](#), [Sch. 4 para. 1\(7\)](#)

Modifications etc. (not altering text)

- C9** S. 63(3) restricted by [Coal Industry Act 1977 \(c. 39\)](#), s. 11(1)

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Marginal Citations

M5 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.
- ^{F47}(2)
- (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.
- ^{F47}(4)
- (5) ^{F59}
- ^{F47}(6)
- ^{F47}(7)
- ^{F47}(8)
- ^{F47}(9)
- (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

- F47** Ss. 55-65 repealed (27.3.2004 for the repeal of ss. 55, 64(2)(4)(6)-(9)) by [Coal Industry Act 1994](#) (c. 21), s. 68(4), [Sch. 11 Pt. III](#); S.I. 2004/144, art. 2, Sch.
- F59** S. 64(5) repealed by [Statute Law \(Repeals\) Act 1973](#) (c. 39), [Sch. 1 Pt. X](#)

65 †Short title, extent and repeal.

- (1) [^{F47}This Act may be cited as the Coal Industry Nationalisation Act 1946.]
- (2) [^{F47}This Act shall not extend to Northern Ireland.]
- (3) ^{F60}

Textual Amendments

- F47** Ss. 55-65 repealed (27.3.2004 for the repeal of ss. 55, 64(2)(4)(6)-(9)) by [Coal Industry Act 1994](#) (c. 21), s. 68(4), [Sch. 11 Pt. III](#); S.I. 2004/144, art. 2, Sch.
- F60** S. 65(3) repealed by [Statute Law Revision Act 1950](#) (c. 6)

Modifications etc. (not altering text)

C10 Unreliable marginal note

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SCHEDULES

^{F61}FIRST SCHEDULE

Textual Amendments

F61 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

^{F62}SECOND SCHEDULE

Textual Amendments

F62 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

[^{F63}SCHEDULE 2A]

ELIGIBILITY FOR SUPERANNUATION RIGHTS

Textual Amendments

F63 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 [^{F64}Corporation].

Textual Amendments

F64 Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), Sch. 1 para. 1(3)

2 Any person who has been in the employment of a body corporate in which the [^{F65}Corporation] then had an interest of a kind defined by regulations under

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section 37 of this Act and which was then, or at any earlier time, a subsidiary of the [^{F65}Corporation].

Textual Amendments

F65 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 [^{F66}Corporation], or a subsidiary of the [^{F66}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 [^{F66}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

F66 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 [^{F67}Corporation] or a subsidiary of the [^{F67}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

F67 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 subsidiary of such a body corporate,

“subsidiary” has the meaning given by [^{F68}section 736 of the Companies Act 1985].

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Textual Amendments

F68 Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XIII](#)

F69 **THIRD SCHEDULE**

Textual Amendments

F69 [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.....
F72

Textual Amendments

F72 [Sch. 4](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

Status:

Point in time view as at 27/03/2004.

Changes to legislation:

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