



Coal Industry Nationalisation Act 1946

1946 CHAPTER 59

Miscellaneous provisions as to the Board.

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

- (1) It shall be the duty of the Board to enter into consultation with organisations appearing to them to represent substantial proportions of the persons in the employment of the Board, or of any class of such persons, as to the Board'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 Board and such persons arising out of the exercise and performance by the Board of their functions.
- (2) The Board shall deposit with the Minister and the Minister of Labour and National Service copies of any such agreement as aforesaid entered into by the Board and of any instrument varying the terms of any such agreement.

47 Board not to be exempt from taxation, etc..

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

48 Transfer of liability for subsidence from colliery concerns to the Board.

- (1) Liabilities to which, apart from this section, colliery concerns would be subject either—

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- (a) for breaches of rights of support, being breaches arising from acts or omissions done or occurring in the course of colliery activities, or
- (b) to pay compensation for, or to make good, by virtue of terms or conditions on or subject to which rights to withdraw support are exercisable, damage arising from acts or omissions so done or occurring, or
- (c) to contribute, under section seventy-nine A of the provisions substituted by Part II of the Mines (Working Facilities and Support) Act, 1923, for sections seventy-eight to eighty-five of the Railways Clauses Consolidation Act, 1845, towards expenses properly incurred by a railway company in making good damage so arising,

shall, in any case where the cause of action in respect of the breach of the right of support accrues, or the damage to be compensated or made good by virtue of the said terms or conditions arises, or the execution by the railway company of works for making good the damage is begun, as the case may be, on or after the primary vesting date, be enforceable against the Board as if the acts or omissions in question had been those of the Board and not of those concerns.

- (2) The Board shall indemnify colliery concerns against expense reasonably incurred by them in disposing of claims in respect of such liabilities as are mentioned in the preceding subsection but are not thereby rendered enforceable against the Board, being expense falling due for discharge on or after the primary vesting date:

Provided that provision may be made by regulations for rendering the right to indemnity under this subsection subject to conditions as to the giving of notices of claims and the furnishing of information with respect thereto, the making of settlements, payments or admissions, the conduct and control of the defence in proceedings, subrogation, and such other matters as may be prescribed, and such conditions may extend to things done or omitted before the date on which the regulations are made.

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

- (1) The Public Authorities Protection Act, 1893, and section twenty-one of the Limitation Act, 1939, shall not apply to any action, prosecution or proceeding against the Board, or for or in respect of any act, neglect or default done or committed by a servant or agent of the Board in his capacity as a servant or agent of theirs.
- (2) In their application to any such action as aforesaid sections two and three of the Limitation Act, 1939 (which relate to the limitation of actions of contract and tort, and certain other actions) shall have effect with the substitution for references therein to six years of references to three years.
- (3) No right adverse to the title of the Board to any coal or mine of coal shall be capable of being acquired under the Limitation Act, 1939.
- (4) For the avoidance of doubt it is hereby declared that the authorisations conferred on the Board 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 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.

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50 The Board not to be required to insure against workmen's compensation liabilities.

Section one of the Workmen's Compensation (Coal Mines) Act, 1934 (which prohibits the owner of a coal mine from employing workmen for the purposes of the undertaking carried on at that mine unless there is in force either a contract of insurance insuring him against all liability under the Workmen's Compensation Act, 1925, in respect of the employment of workmen by him or any other person for those purposes or a compensation trust for securing the discharge of all his liability as aforesaid) shall not apply to the Board.

51 Documents of the Board to be public records.

- (1) Documents belonging to the Board shall be deemed, for the purposes of the Public Record Office Acts, 1838 to 1898, to be public records under the charge and superintendence of the Master of the Rolls.
- (2) The power conferred on the Master of the Rolls by section one of the Public Record Office Act, 1877, to make rules respecting the disposal of documents which are deposited in or can be removed to the Public Record Office, shall, in relation to documents belonging to the Board, be exercisable subject to the approval of the chairman of the Board in addition to that of the Treasury.

52 Right to inspection and copies of the Board's plans of workings.

Plans in the possession of the Board of workings of coal shall be open during usual business hours to the inspection of any person on payment of such fee as may be prescribed, and any person shall, on payment of such fee as may be prescribed, be entitled to be furnished by the Board with a copy of, or of any part of, any such plan.

53 Availability of transferred documents and staff for compensation proceedings and windings-up.

It shall be the duty of the Board—

- (a) to afford, without payment, to a person who had an interest in things in which transferred interests subsisted, such facilities as he may reasonably require, in prosecuting any claim of his to compensation under this Act or winding up affairs of his in consequence of the passing of this Act, for the examination of, and the taking of copies of or extracts from, documents relating to the title to, or to the management of, those things, being documents the property in which, and the right to possession of which, have vested in the Board by virtue of paragraph (f) of subsection (7) of section five of this Act ; and
- (b) so far as may be reasonably necessary in order to enable that person effectually to avail himself of the right conferred by the preceding paragraph and to prosecute his claim or wind up affairs of his as aforesaid, to enter into arrangements for his having, for such period as may be reasonably necessary for that purpose, the services of any person in the employment of the Board who has been in the employment of the first-mentioned person.

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54 Annual report of the Board.

- (1) The Board shall, as soon as possible after the end of each financial year of the Board make to the Minister a report on the exercise and performance by them of their functions during that year and on 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 Board during that year unless the Minister has notified to the Board his opinion that it is against the national interest so to do.