



Coal Industry Nationalisation Act 1946

1946 CHAPTER 59 9 and 10 Geo 6

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 [^{F1}Corporation] to enter into consultation with organisations appearing to them to represent substantial proportions of the persons in the employment of the [^{F1}Corporation], or of any class of such persons, as to the [^{F2}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 [^{F1}Corporation] and such persons arising out of the exercise and performance by the [^{F1}Corporation] of their functions.
- (2) The [^{F1}Corporation] shall deposit with [^{F3}the Secretary of State] copies of any such agreement as aforesaid entered into by the [^{F1}Corporation] and of any instrument varying the terms of any such agreement.

Textual Amendments

- F1** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), [Sch. 1 para. 1\(3\)](#)
- F2** Words substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), [Sch. 1 para. 1\(4\)](#)
- F3** 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)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Coal Industry Nationalisation Act 1946, Cross Heading: Miscellaneous provisions as to the Corporation. (See end of Document for details)

47 Corporation not to be exempt from taxation, etc.

Nothing in this Act shall be deemed to exempt the [^{F4}Corporation] from liability for any tax, duty, rate, levy, or other charge whatsoever, whether general or local.

Textual Amendments

F4 Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), **Sch. 1 para. 1(3)**

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

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

- (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 ^{M1}Mines (Working Facilities and Support) Act 1923, for sections seventy-eight to eighty-five of the ^{M2}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 [^{F5}Corporation] as if the acts or omissions in question had been those of the [^{F5}Corporation] and not of those concerns.

(2) The [^{F5}Corporation] 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 [^{F5}Corporation], 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.

Textual Amendments

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

Marginal Citations

M1 1923 c. 20.
M2 1845 c. 20.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Coal Industry Nationalisation Act 1946, Cross Heading: Miscellaneous provisions as to the Corporation. (See end of Document for details)

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

- (1) ^{F6}
- (3) No right adverse to the title of the [^{F7}Corporation] to any coal or mine of coal shall be capable of being acquired under the ^{M3}Limitation Act 1939.
- (4) For the avoidance of doubt it is hereby declared that the authorisations conferred on the [^{F7}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 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

F6 S. 49(1)(2) repealed by [Law Reform \(Limitation of Actions, &c.\) Act 1954 \(c. 36\)](#), s. 1, [Sch.](#)

F7 Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), [Sch. 1 para. 1\(3\)](#)

Marginal Citations

M3 1939 c. 21.

50 ^{F8}

Textual Amendments

F8 S. 51 repealed by [Public Records Act 1958 \(c. 51\)](#), [Sch. 4](#)

51 ^{F9}

Textual Amendments

F9 S. 51 repealed by [Public Records Act 1958 \(c. 51\)](#), [Sch. 4](#)

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

Plans in the possession of the [^{F10}Corporation] 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 [^{F10}Corporation] with a copy of, or of any part of, any such plan.

Textual Amendments

F10 Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), [Sch. 1 para. 1\(3\)](#)

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

It shall be the duty of the [F11Corporation]—

- (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 [F11Corporation] 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 [F11Corporation] who has been in the employment of the first-mentioned person.

Textual Amendments

F11 Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), [Sch. 1 para. 1\(3\)](#)

54 Annual report of the Corporation.

- (1) The [F12Corporation] shall, as soon as possible after the end of each financial year of the [F12Corporation] make to the Minister a report on the exercise and performance by them of their functions [F13in Great Britain or elsewhere] 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 [F12Corporation] during that year unless the Minister has notified to the [F12Corporation] his opinion that it is against the national interest so to do.

Textual Amendments

F12 Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), [Sch. 1 para. 1\(3\)](#)

F13 Words inserted by [Coal Industry Act 1977 \(c. 39\)](#), [Sch. 4 para. 1\(6\)](#)

Status:

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Changes to legislation:

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