



# Coal Industry Nationalisation Act 1946

## 1946 CHAPTER 59 9 and 10 Geo 6

### *Savings, and provisions consequential on nationalisation*

#### **36 Savings as to certain coal, etc.**

- (1) Paragraph (a) of the subsection (1) of section one of this Act shall not render unlawful the digging or carrying away of coal that is necessary to be dug or carried away in the course of activities other than colliery activities, and interests of persons other than the Coal Commission in any such coal, or in a mine of coal used immediately before the primary vesting date exclusively or mainly in the course of such other activities, shall be excepted from the vesting provided for by section five of this Act.
- (2) A licence may be granted by the [<sup>F1</sup>Corporation], either unconditionally or subject to any conditions specified in the licence, and either irrevocably or subject to revocation as therein specified, for the working and getting of—
  - [<sup>F2</sup>(a) coal which, in accordance with the licence, is to be worked at a mine (within the meaning of the <sup>M1</sup>Mines and Quarries Act 1954) <sup>F3</sup> . . .]
  - (b) coal present amongst other minerals that appears to the [<sup>F1</sup>Corporation] to be of so small value that the working thereof is unlikely to be undertaken otherwise than as ancillary to the working of those other minerals; [<sup>F4</sup> or
  - (c) coal which, in accordance with the licence, is to be worked by opencast operations, <sup>F3</sup> . . .;]

and paragraph (a) of subsection (1) of section one of this Act shall not render unlawful any working or getting of coal for which a licence is in force under this subsection in accordance with the terms of the licence.

- [<sup>F5</sup>(2A) A licence may be granted by the Corporation, either unconditionally or subject to any conditions specified in the licence, and either irrevocably or subject to revocation as therein specified, for the searching and boring for coal in any area for a specified period—
  - (a) with a view to a licence under subsection (2) of this section subsequently being granted as respects coal in that area or any part of it; or
  - (b) in connection with an existing licence under that subsection as respects coal in that area;

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and section 1(2)(a) of this Act shall not render unlawful anything done in accordance with such a licence.]

- (3) A licence [<sup>F6</sup>under this section] may be granted either generally or with effect only as to working and getting [<sup>F7</sup>or, as the case may be, searching and boring] by a particular person or as to particular coal or subject to other limitations, and the conditions which may be specified in such a licence may include (without prejudice to the generality of the power to impose conditions conferred by that subsection) conditions requiring the rendering of a payment in the nature of rent [<sup>F6</sup>and, in the case of a licence under subsection (2) of this section,] for controlling the sale or supply of coal gotten as respects price, the person to whom it may be sold or supplied, or other matters.
- (4) Nothing in this Act shall affect any power exercisable by virtue of any of the Defence (General) Regulations, 1939.

#### Textual Amendments

- F1** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\), s. 1\(1\)\(2\), Sch. 1 para. 1\(3\)](#)
- F2** [S. 36\(2\)\(a\)](#) substituted by [Coal Industry Act 1990 \(c. 3, SIF 86\), s. 4\(1\)\(a\)](#)
- F3** Words in [s. 36\(2\)\(a\)\(c\)](#) repealed (temp. from 5.7.1994 to 31.10.1994) by [1994 c. 21, s. 7\(1\)](#) (with [ss. 40\(7\), 66](#)) and expressed to be repealed (5.7.1994) by [1994 c. 21, s. 67\(8\), Sch. 11 Pt. I](#) (with [s. 40\(7\), Sch. 10 para. 6](#))
- F4** Words inserted by [Opencast Coal Act 1958 \(c. 69\), s. 46\(1\)](#)
- F5** [S. 36 \(2A\)](#) inserted by [Coal Industry Act 1990 \(c. 3, SIF 86\), s. 4\(2\)](#)
- F6** Words substituted by [Coal Industry Act 1990 \(c. 3, SIF 86\), s. 4\(3\)](#)
- F7** Words inserted by [Coal Industry Act 1990 \(c. 3, SIF 86\), s. 4\(3\)](#)

#### Marginal Citations

- M1** [1954 c. 70.](#)

### 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 [<sup>F8</sup>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 [<sup>F9</sup>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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[<sup>F10</sup>(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 [<sup>F9</sup>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, . . . <sup>F11</sup> 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

- F8** Words substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), [Sch. 1 para. 1\(4\)](#)
- F9** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), [Sch. 1 para. 1\(3\)](#)
- F10** [S. 37\(1A\)](#) inserted by [Coal Industry Act 1977 \(c. 39\)](#), s. [12\(1\)](#)
- F11** Words repealed retrospectively by [Coal Industry Act 1949 \(c. 53\)](#), s. [4\(3\)](#)

#### Modifications etc. (not altering text)

- C1** [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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- C2** S. 37(1)(a) extended by [Miners' Welfare Act 1952 \(c. 23\), s. 14](#)  
**C3** S. 37(1)(c) extended by [Coal Industry Act 1949 \(c. 53\), s. 4\(2\)](#)

### **38 Transfer to the Board of property and functions of the Coal Commission, other than interests in coal.**

- (1) On the primary vesting date there shall vest in the Board, by virtue of this subsection and without further assurance,—
- (a) all interests of the Coal Commission not vested in the Board by virtue of section five of this Act in land or other fixed property within the meaning of the First Schedule to this Act, and all interests of theirs in movable property within the meaning of that Schedule; and
  - (b) the property in, and the right to possession of, all records and other documents the property in which and the right to possession of which are vested in the Coal Commission by subsection (2) of section fourteen of the <sup>M2</sup>Coal Act 1938.
- (2) As from the primary vesting date, a contract to which the Coal Commission is a party shall have effect in favour of and against the [<sup>F12</sup>Corporation] as if the [<sup>F12</sup>Corporation] had been a party thereto instead of the Commission.
- (3) On the primary vesting date there shall be transferred to the Board all the functions of the Coal Commission—
- <sup>F13</sup>(a) .....
  - (b) under the Coal Act 1938, with respect to the payment of compensation in respect of holdings within the meaning of that Act, apportionments provided for by section eleven of that Act consequent on severance of interests, and the payment of costs required by that Act to be paid by them,  
and accordingly, as from that date, references to the Coal Commission in . . . <sup>F14</sup>  
the following provisions of the said Act of 1938, namely, sections . . . <sup>F14</sup> eleven,  
subsection (1) of section fourteen, . . . <sup>F14</sup> shall, so far only as may be necessary  
in consequence of the transfer of those functions, be construed as references to the  
[<sup>F12</sup>Corporation].
- (4) At such time as the Treasury direct the Coal Commission's reserve fund shall be wound up and the investments and cash of which it consists shall be transferred by the Commission to the Board, who shall carry them to the credit of the reserve fund established by them under section twenty-nine of this Act.
- (5) . . . . . <sup>F15</sup>

#### **Textual Amendments**

- F12** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\), s. 1\(1\)\(2\), Sch. 1 para. 1\(3\)](#)  
**F13** S. 38(3)(a) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 1 Pt. X](#)  
**F14** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 1 Pt. X](#)  
**F15** S. 38(5) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 1 Pt. X](#)

#### **Marginal Citations**

- M2** 1938 c. 52.

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**39 Abolition of coal advisory committee under 10 & 11 Geo. 5. c. 50, s. 4.**

On the primary vesting date section four of the Mining Industry Act 1920, shall cease to have effect in so far as it requires the Minister to appoint a committee for the purpose of giving him advice and assistance on matters connected with his powers and duties under that Act relating to coal and the coal industry.

**40** ..... **F16**

**Textual Amendments**

**F16** 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.**

[<sup>F17</sup>(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.

(4) ..... **F18**

**Textual Amendments**

**F17** S. 41(1)(2) substituted by [Miners' Welfare Act 1952 \(c. 23\)](#), [s. 11\(1\)](#)

**F18** S. 41(4) repealed by [Charities Act 1960 \(c. 58\)](#), [Sch. 7 Pt. II](#)

**Modifications etc. (not altering text)**

**C4** "Social Welfare Organisation" means Coal Industry Social Welfare Organisation incorporated under [Companies Act 1948 \(c. 38\)](#); [Miners' Welfare Act 1952 \(c. 23\)](#), [s. 12\(1\)](#)

*Status: Point in time view as at 05/07/1994.**Changes to legislation: There are currently no known outstanding effects for the Coal Industry Nationalisation Act 1946, Cross Heading: Savings, and provisions consequential on nationalisation. (See end of Document for details)***42 †Duty of the Minister to prosecute safety and health research, and winding up of research endowment fund.**

- (1) ..... F19
- (3) The trust declared by a deed executed on the nineteenth day of April, nineteen hundred and twenty-six, by Ernest Arthur Gowers, Permanent Under-Secretary for Mines, and Ernest Julian Foley, Senior Assistant Under-Secretary, both of the Mines Department of the Board of Trade, to apply the income of the Mining Research (Safety and Health) Endowment Fund in or towards defraying the expenses of and incidental to the work of research into the causes of mining dangers (including dangers to health) and the means for preventing such dangers carried on under the direction of the Safety in Mines Research Board, shall be determined, and—
- (a) all property subject to the trust, and all property held by the trustees together with such property, shall, by virtue of this paragraph, vest in the Minister;
  - (b) the Minister shall, at such time as the Treasury direct, sell and convert into money so much of the property so vesting as does not consist of cash, and shall pay into the Exchequer the proceeds of sale and so much of the property so vesting as consists of cash; and
  - (c) the Minister shall pay into the Exchequer income of the property so vesting which accrues before the sale thereof under the last preceding paragraph.
- (4) As respects an amount of stock of any description vested in the Minister by virtue of the last preceding subsection, the Bank of England shall make, in the register relating to stock of that description kept by them under the Government Stock Regulations, 1943, such alterations as are requisite in consequence of the enactment of paragraph (a) of that subsection.

**Textual Amendments**

F19 Ss. 42(1)(2) repealed by S.I. 1974/2011

**Modifications etc. (not altering text)**

C5 Unreliable marginal note

**43** ..... F20**Textual Amendments**

F20 S. 43 repealed by Mines (Working Facilities and Support) Act 1966 (c. 4), s. 15(2). Sch. 1

**44 Winding-up of coal-selling schemes, and of S. Yorks. Mines Drainage Committee.**

- (1) The provisions of Part I of the Third Schedule to this Act shall have effect with respect to the vesting in the Board of assets of bodies administering schemes under Part I of the <sup>M3</sup>Coal Mines Act 1930, the making of compensation in respect of the vesting of such assets in the Board, the effect of such contracts to which any such body or a selling agent appointed by any such body is a party as are mentioned in that Part

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of that Schedule, the winding up of the affairs of those bodies and the consequential matters therein mentioned.

- (2) The Provisions of Part II of the Third Schedule to this Act shall have effect with respect to the vesting in the Board of assets, rights and liabilities of the South Yorkshire Mines Drainage Committee constituted by the South Yorkshire Mines Drainage Scheme 1929, made under section eighteen of the <sup>M4</sup>Mining Industry Act 1920, the dissolution of that Committee and the transitional matters mentioned in that Part of that Schedule.
- (3) The provisions of Part III of the Third Schedule to this Act shall have effect for the purpose of supplementing the provisions of Parts I and II thereof.

#### **Marginal Citations**

- M3** 1930 c. 34.  
**M4** 1920 c. 50.

#### **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 <sup>M5</sup>Doncaster Area Drainage Act 1929, or the <sup>M6</sup>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.
- (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 <sup>M7</sup>Doncaster Area Drainage Act 1929, or the <sup>M8</sup>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

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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.

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**Marginal Citations**

**M5** 1929 c. xvii.

**M6** 1933 c. x.

**M7** 1929 c. xvii.

**M8** 1933 c. x.



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