
Status: Point in time view as at 01/02/1991.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, THIRD SCHEDULE. (See end of Document for details)

SCHEDULES

THIRD SCHEDULE

Section 44.

PROVISIONS AS TO SELLING SCHEMES UNDER PART I OF THE COAL MINES ACT 1930, AND AS TO THE SOUTH YORKSHIRE MINES DRAINAGE COMMITTEE

PART I

COAL-SELLING SCHEMES

Vesting of Interests and Compensation

- 1 On the primary vesting date there shall vest in the Board, by virtue of this paragraph and without further assurance, the interests of the bodies administering schemes under Part I of the Coal Mines Act 1930 (in this Part of this Schedule referred to as “selling schemes”), in property of whatsoever kind, other than interests of bodies administering central selling schemes in investments, cash or other liquid assets, or the benefit of contracts.
- 2 Compensation shall not be made in respect of interests vested as aforesaid, other than interests of bodies administering central selling schemes in stocks of products of colliery production activities owned by those bodies immediately before the primary vesting date.
- 3 The compensation to be made in respect of the interests vested as aforesaid of a body administering a central selling scheme in such stocks as aforesaid shall be of an amount equal to the value thereof as determined, in default of agreement between the Minister and the trustees for that body, by arbitration under this Act, shall be satisfied by a money payment made to those trustees, and, when paid, shall be dealt with as if it had been money received by that body in respect of sales of coal.

Contracts

- 4 (1) Subject to the provisions of sub-paragraph (3) of this paragraph, as from the primary vesting date a contract to which the body administering a selling scheme, other than a central selling scheme, is a party shall have effect in favour of and against the Board as if the Board had been a party of the contract instead of that body.
- (2) Subject to the provisions of sub-paragraph (3) of this paragraph, as from the primary vesting date—

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- (a) a contract to which the body administering a central selling scheme is a party; and
- (b) a contract for the rendering, for the purposes of colliery sales activities, of personal services to a selling agent appointed under a group selling scheme;
- shall have effect in favour of and against the Board, so far as the performance thereof is due on or after the primary vesting date, as if the Board had been a party thereto instead of the body or agent aforesaid.
- (3) The provisions of subsections (2) to (5) of section seven of this Act and of subsection (3) of section nine thereof shall apply to the contracts mentioned in subparagraph (1) and subparagraph (2) of this paragraph respectively as they apply to the contracts mentioned in the Second Schedule to this Act with the substitution—
- (a) for the reference in subsection (2) of the said section seven to the purposes mentioned in paragraph 1 of that Schedule, of a reference to the purposes of the selling scheme in question; and
- (b) for references generally in those provisions to that Schedule, of references to this paragraph.

Winding up, etc.

- 5 On the primary vesting date—
- (a) the bodies administering selling schemes, other than central selling schemes, shall be dissolved and those schemes shall cease to have effect; and
- (b) so much of any central selling scheme as prohibits the supply of coal by the owner of a mine otherwise than to, or to the order of, the body administering the scheme shall cease to have effect.
- 6 On the primary vesting date Part I of the ^{M1}Coal Mines Act 1930, shall cease to have effect, but, subject to the provisions of the next succeeding paragraph, the central selling schemes shall, for the purpose of winding up the affairs of the bodies administering them, have effect by virtue of this paragraph.

Marginal Citations

M1 1930 c. 34.

F17

Textual Amendments

F1 Sch. 3 Pt. I para. 7, Part III para. 13 repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. X.

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Interpretation

- 8 In this Part of this Schedule—
- (a) the expression “central selling scheme” means a selling scheme which, immediately before the passing of this Act, prohibits (subject to exceptions specified in the scheme) the supply of coal by the owner of a mine otherwise than to, or to the order of, the body administering the scheme; and
 - (b) the expression “group selling scheme” means a selling scheme which, immediately before the passing of this Act, prohibits (subject to exceptions specified in the scheme) the sale or supply of coal by a coalowner otherwise than through the agency of the body administering the scheme.

PART II

THE SOUTH YORKSHIRE MINES DRAINAGE COMMITTEE

Vesting of Interests and Dissolution of Committee

- 9 On the primary vesting date—
- (a) there shall vest in the Board, by virtue of this sub-paragraph and without further assurance, the interests of the South Yorkshire Mines Drainage Committee (in this Part of this Schedule referred to as “the Committee”) in property of whatsoever kind; and
 - (b) the Committee shall be dissolved and the South Yorkshire Mines Drainage Scheme, 1929 (in this Part of this Schedule referred to as “the scheme”) shall cease to have effect.
- 10 Compensation shall not be made in respect of the transfer to the Board of interests of the Committee.

Rights and Liabilities

- 11 (1) As from the primary vesting date, a contract to which the Committee is a party shall have effect in favour of and against the Board as if the Board had been a party thereto instead of the Committee.
- (2) Any liability for damages or the payment of compensation which, if the scheme had not ceased to have effect, might have been enforced after the primary vesting date against the Committee in respect of a tort or of an act which, apart from the scheme, would have been tortious, shall be enforceable against the Board as if the tort or act in question had been that of the Board.

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Transitional Provisions

- 12 (1) All such proceedings with respect to the assessment of mines for the purposes of the rate required to be levied in respect of the year within which the primary vesting date falls, the service upon the owners of mines of notice of, and the making by them of objections to, such assessments, the consideration of such objections, hearings in connection therewith and arbitrations consequential thereon, as might have been had, taken or continued under the scheme after that date if this Act had not been passed, may be had, taken or continued in all respects as if this Act had not been passed and as if persons who, immediately before that date were owners of mines had continued to be such owners, but with the substitution of the Board for the Committee.
- (2) All such proceedings for the recovery by the Committee, otherwise than by distress, of a sum due from any person in respect of an amount assessed in respect of a mine for the purposes of a rate required to be levied in respect of the year within which the primary vesting date falls or any preceding year as might have been had, taken or continued under the scheme after that date if this Act had not been passed, may be had, taken or continued in all respects as if this Act had not been passed, but with the substitution of the Board for the Committee.

PART III

PROVISIONS SUPPLEMENTARY TO PARTS I AND II

F2

13

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Textual Amendments

F2 Sch. 3 Pt. 1 para. 7, Part III para. 13 repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. X

Status:

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Changes to legislation:

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