



Coal Industry Nationalisation Act 1946

1946 CHAPTER 59 9 and 10 Geo 6

General

64 Application to Scotland.

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.
- (2) For any reference to the High Court there shall be substituted a reference to the Court of Session; [^{F1}the expression “charge or lien for securing money or money’s worth” includes a heritable security other than a standard charge constituted by section twelve of the ^{M1}Church of Scotland (Property and Endowments) Act 1925, and does not include any stipend;] the expression “easement” means servitude; the expression “leasehold interest” means the interest of a lessee in property subject to a lease, . . . ^{F2}.
- (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.
- (4) Subsection (7) of section five of this Act shall have effect as if there were added at the end thereof the following paragraph:
 - “(h) for the completion of the title of the Board to heritable property vesting in them by virtue of this section by the execution and recording in the General Register of Sasines of conveyances of or instruments relating to such property.”
- (5) ^{F3}
- (6) Subsection (4) of section forty-one of this Act shall not apply to orders relating to land in Scotland or to personal estate to be laid out in the purchase of such land.
- (7) Section forty-eight of this Act shall have effect as if in paragraph (c) of subsection (1) thereof for the reference to section seventy-nine A of the provisions therein mentioned there were substituted a reference to section seventy-two A of the provisions substituted by Part II of the ^{M2}Mines (Working Facilities and Support) Act 1923, as that

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Coal Industry Nationalisation Act 1946, Section 64 is up to date with all changes known to be in force on or before 06 July 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)

Part applies to Scotland for sections seventy-one to seventy-eight of the ^{M3}Railways Clauses Consolidation (Scotland) Act 1845.

- (8) Section forty-nine shall have effect as if in subsection (3), for the words “under the Limitation Act 1939”, there were substituted the words “by prescriptive possession”.
- (9) Documents belonging to the [^{F4}Corporation] shall for the purposes of subsection (1) of section five of the ^{M4}Public Records (Scotland) Act 1937, be deemed to be records belonging to His Majesty.
- (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

- F1** Words inserted retrospectively by [Coal Industry Act 1949 \(c. 53\), s. 7](#)
- F2** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. XIII](#)
- F3** [S. 64\(5\)](#) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 1 Pt. X](#)
- F4** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\), s. 1\(1\)\(2\), Sch. 1 para. 1\(3\)](#)

Marginal Citations

- M1** [1925 c. 33.](#)
- M2** [1923 c. 20.](#)
- M3** [1845 c. 33.](#)
- M4** [1937 c. 43.](#)

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