



Coal Industry Nationalisation Act 1946

1946 CHAPTER 59

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 ; the expression " easement " means servitude; the expression " leasehold interest " means the interest of a lessee in property subject to a lease, and for any reference to section one of the Courts (Emergency Powers) Act, 1943, there shall be substituted a reference to section one of the Courts (Emergency Powers) (Scotland) Act, 1939 "
- (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) Regulations under section twenty-four or twenty-five of this Act shall provide for the establishment of separate tribunals for Scotland, and subsection (6) of the said section twenty-four shall apply to the tribunal to be established for Scotland for the purposes of that section or of section twenty-five with the substitution of a reference to an advocate for the reference to a barrister.
- (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 Mines (Working Facilities and Support) Act, 1923, as that Part applies to Scotland for sections seventy-one to seventy-eight of the 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 Board shall for the purposes of subsection (1) of section five of the 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.