



Miners' Welfare Act 1952

1952 CHAPTER 23 15 and 16 Geo 6 and 1 Eliz 2

5 Colliery welfare property excepted from transfer.

- (1) If in the case of any colliery welfare trusts or colliery welfare agreement the property held immediately before the appointed day by the trustees or by a management committee constituted under the trusts or agreement includes property to which this section applies, then, notwithstanding anything in section four of this Act—
 - (a) the property to which this section applies shall not be transferred to the Board under that section, but all such property (including any accretions thereto on or after the appointed day) shall be applied or disposed of in such manner as may be prescribed by a scheme to be made under this section by the Social Welfare Organisation; and
 - (b) until such a scheme comes into operation, the property shall continue to be held by the trustees or management committee as the case may be, any rights, obligations or liabilities in respect of it may be enforced by and against them accordingly, and the provisions of the trusts or the agreement applicable thereto shall continue in force so far as may be necessary for the purpose of this section.
- (2) A scheme made under this section in relation to property subject to any colliery welfare trusts or colliery welfare agreement shall provide—
 - (a) for transferring to the Board so much of the property to which the scheme applies as is equal in value to the value immediately before the appointed day of the liabilities transferred to the Board under the said section four in respect of the trusts or agreement or, where the last-mentioned value exceeds the value of the property to which the scheme applies, the whole of that property;
 - (b) for the application of any balance of the said property for such purposes of social welfare activities in the district as may be determined by or under the scheme,
and may contain such ancillary and supplementary provisions as appear to the Social Welfare Organisation to be expedient for the purposes aforesaid.
- (3) Before making a scheme under this section for the application of property for purposes specified in paragraph (b) of subsection (2) of this section, the Social Welfare Organisation shall afford to the trustees or management committee by whom the

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property is held an opportunity to make representations as to the purposes for which the property should be applied under the scheme; and where such recommendations are made, the Social Welfare Organisation shall, so far as they consider practicable and so far as may be consistent with the provisions of this section, give effect to them in making the scheme.

- (4) The property to which this section applies is money (including any credit in a banking account and any sums owing to the trustees or committee, whether already payable or not), negotiable instruments, and shares, stocks, bonds, debentures and other securities.
- (5) Any question arising under this section whether property is property to which this section applies, or as to the value of any property or liability, shall, in default of agreement between the Board and the Social Welfare Organisation, be determined by arbitration.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act repealed by [1994 c. 21 s. 22\(2\)Sch. 11 Pt. 3](#)