



Coal Industry Nationalisation Act 1946

1946 CHAPTER 59 9 and 10 Geo 6

The National Coal Board

1 Establishment of National Coal Board and functions thereof.

^{F1}(1)

(2) The functions of the [^{F2}British Coal Corporation](in this Act referred to as [^{F2}“the Corporation”]) shall include the carrying on of all such activities as it may appear to the [^{F2}the Corporation] to be requisite, advantageous or convenient for them to carry on for or in connection with the discharge of their duties under the preceding subsection, and in particular, but without prejudice to the generality of this section,—

- (a) searching and boring for coal in Great Britain, ^{F3} . . . ;
- (b) treating, rendering saleable, supplying and selling coal;
- (c) producing, manufacturing, treating, rendering saleable, supplying and selling products of coal;
- (d) producing or manufacturing any goods or utilities which are of a kind required by the [^{F2}the Corporation] for or in connection with the working and getting of coal or any other of their activities, or which can advantageously be produced or manufactured by the [^{F2}the Corporation] by reason of their having materials or facilities for the production or manufacture thereof in connection with the working and getting of coal or any other of their activities, and supplying and selling goods or utilities so produced or manufactured;

^{F4}(e) any activities which can advantageously be carried on by the [^{F2}the Corporation] with a view to making the best use of their assets];

- (f) activities conducive to advancing the skill of persons employed or to be employed for the purposes of any of the activities aforesaid, or the efficiency of equipment and methods to be used therefor, including the provision by the [^{F2}the Corporation] themselves, and their assisting the provision by others, of facilities for training, education and research.

(3) The [^{F5}Corporation] shall have power to do any thing and to enter into any transaction (whether or not involving the expenditure, borrowing in accordance with the provisions of this Act in that behalf or lending of money, the acquisition of any

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property or rights, or the disposal of any property or rights not in their opinion required for the proper discharge of their functions) which in their opinion is calculated to facilitate the proper discharge of their duties under subsection (1) of this section or the carrying on by them of any such activities as aforesaid, or is incidental or conducive thereto.

- (4) The policy of the [^{F5}Corporation] shall be directed to securing, consistently with the proper discharge of their duties under subsection (1) of this section,—
- (a) the safety, health and welfare of persons in their employment;
 - (b) the benefit of the practical knowledge and experience of such persons in the organisation and conduct of the operations in which they are employed;
 - (c) that the revenues of the [^{F5}Corporation] shall not be less than sufficient for meeting all their outgoings properly chargeable to revenue account (including, without prejudice to the generality of that expression, provisions in respect of their obligations under sections twenty-eight and twenty-nine of this Act) on an average of good and bad years.

Textual Amendments

- F1** S. 1(1) repealed (31.10.1994) by 1994 c. 21, ss. 23, 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- F2** Words substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(1)**
- F3** Words in s. 1(2)(a) repealed (31.10.1994) by 1994 c. 21, ss. 23, 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- F4** S 1(2)(e) substituted by Coal Industry Act 1977 (c. 39), **Sch. 4 para. 1(2)**
- F5** Word substituted by Coal Industry Act 1987 (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

Modifications etc. (not altering text)

- C1** S. 1 amended by Coal Industry Act 1977 (c. 39), **s. 11(1)**
- C2** S. 1 amended (5.7.1994) by 1994 c. 21, **s. 7(2)** (with ss. 40(7), 66)
- C3** S. 1(2) transfer of powers (with modifications) (31.10.1994) by 1994 c. 21, **s. 11(4)** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- C4** S. 1(2)(f) extended by National Coal Board (Additional Powers) Act 1966 (c. 47), **s. 1(2)**
- C5** S. 1(3) transfer of powers (with modifications) (31.10.1994) by 1994 c. 21, **s. 11(4)** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- C6** S. 1(4)(c) extended by Coal Industry Act 1980 (c. 50, SIF 86), **s. 2(2)**

2 Constitution of the Board.

- (1) [^{F6}The Corporation] shall be a body corporate by the name of [^{F6}“British Coal Corporation”], with perpetual succession and a common seal . . . ^{F7}.
- (2) The [^{F8}Corporation] shall consist of a chairman and [^{F9}not less than eight nor more than fourteen other members].
- (3) The chairman and other members of the [^{F8}Corporation] shall be appointed by [^{F10}the Secretary of State] (in this Act referred to as “the Minister”) from amongst persons appearing to him to be qualified as having had experience of, and having shown capacity in, industrial, commercial or financial matters, applied science, administration, or the organisation of workers.
- (4) ^{F11}

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- (5) The Minister shall appoint one of the members of the [F8Corporation] to act as deputy chairman.
- (6) There shall be paid to the members of the [F8Corporation] such salaries and allowances as may be determined by the Minister with the approval of [F12the Treasury], and, on the retirement or death of any of them as to whom it may be so determined to make such provision, such pensions and gratuities to them or to others by reference to their service as may be so determined.
- The said salaries and allowances, and any such pensions and gratuities as aforesaid, shall be paid out of the revenues of the [F8Corporation].
- (7) The Minister may make regulations with respect to—
- (a) the appointment of, and the tenure and vacation of office by, the members of the [F13Corporation];
 - (b) the quorum, proceedings and meetings of the [F13Corporation], and determinations of the [F13Corporation]; and
 - (c) the execution of instruments and the mode of entering into contracts by and on behalf of the [F13Corporation], and the proof of documents purporting to be executed, issued or signed by the [F13Corporation] or a member, officer or servant thereof.
- (8) Subject to the provisions of any regulations made under the last preceding subsection, the [F13Corporation] shall have power to regulate their own procedure.

Textual Amendments

- F6** Words substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), [Sch. 1 para. 1\(2\)](#)
- F7** Words repealed by [Charities Act 1960 \(c. 58\)](#), [Sch. 7 Pt. II](#)
- F8** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), [Sch. 1 para. 1\(3\)](#)
- F9** Words substituted by [Coal Industry Act 1973 \(c. 8\)](#), s. 10, [Sch. 1 para. 1](#)
- F10** Words substituted by virtue of [S.I. 1957/48 \(1957 I, p. 1439\)](#), 1969/1498, arts. 2(1), 5(6) and 1970/1537, arts. 2(2), 7(4)
- F11** [S. 2\(4\)](#) repealed by [House of Commons Disqualification Act 1957 \(c. 20\)](#), [Sch. 4 Pt. I](#)
- F12** Words substituted by virtue of [S.I. 1981/1670](#), [arts. 2\(1\)\(c\)](#), (2), 3(5)
- F13** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), [Sch. 1 para. 1\(3\)](#)

Modifications etc. (not altering text)

- C7** [S. 2\(3\)\(5\)](#) extended by [Coal Industry Act 1949 \(c. 53\)](#), [s. 1\(2\)](#), (4) respectively
- C8** [S. 2\(6\)](#) excluded by [Coal Industry Act 1965 \(c. 82\)](#), [s. 4\(1\)](#)
[S. 2\(6\)](#) modified (31.10.1994) by 1994 c. 21, [s. 23\(6\)](#) (with ss. 40(7), 66); [S.I. 1994/2553](#), [art. 2](#)

3 Powers of the Minister in relation to the Corporation.

- ^{F14}(1)
- ^{F14}(2)
- ^{F14}(3)

- (4) The [F15Corporation] shall afford to the Minister facilities for obtaining information with respect to the property and activities of the [F15Corporation] [F16in Great Britain or elsewhere], and shall furnish him with returns, accounts and other information with

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respect thereto and afford to him facilities for the verification of information furnished, in such manner and at such times as he may require.

Textual Amendments

F14 S. 3(1)-(3) repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. II** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

F15 Word substituted by **Coal Industry Act 1987** (c. 3, SIF 86), s. 1(1)(2), **Sch. 1 para. 1(3)**

F16 Words inserted by **Coal Industry Act 1977** (c. 39), **Sch. 4 para. 1(3)**

Modifications etc. (not altering text)

C9 S. 3(4) extended by **Coal Industry Act 1971** (c. 16), s. 7(7)

4 Consumers' councils.

[^{F17}(1) There shall be established for the purposes mentioned in this section two consumers' councils, to be known respectively as the Industrial Coal Consumers' Council and the Domestic Coal Consumers' Council.

(2) Each of the said councils shall consist of such number of persons as the Minister may think fit, appointed by him . . . ^{F18} —

- (a) in the case of the Industrial Coal Consumers' Council, after consultation with such bodies representative of the interests concerned as the Minister thinks fit, to represent consumers of coal, coke and manufactured fuel respectively, for industrial purposes or other purposes involving supply in bulk, and persons engaged in organising or effecting the sale or supply, whether for home use or for export, of coal, coke and manufactured fuel respectively, for those purposes;
- (b) in the case of the Domestic Coal Consumers' Council, after consultation with such bodies representative of the interests concerned as the Minister thinks fit, to represent consumers of coal, coke and manufactured fuel respectively, for domestic purposes and other purposes not falling within the preceding paragraph, and persons engaged in organising or effecting the sale or supply of coal, coke and manufactured fuel respectively, for those purposes.

In formulating his proposals for appointments to each of the said councils, the Minister shall have particular regard to nominations made to him by the said bodies representative of the interests concerned of persons recommended by them as having both adequate knowledge of the requirements of those interests and also qualifications for exercising a wide and impartial judgment on the matters to be dealt with by the council generally.

(3) The Industrial Coal Consumers' Council shall be charged with the duties—

- (a) of considering any matter affecting the sale or supply, whether for home use or for export, of coal, coke or manufactured fuel for the purposes mentioned in paragraph (a) of subsection (2) of this section which is the subject of a representation made to them by consumers for those purposes of coal, coke or manufactured fuel, as the case may be, or which appears to them to be a matter to which consideration ought to be given apart from any such representation, . . . ^{F18},
- (b) of considering, and reporting to the Minister on, any such matter which may be referred to them by the Minister.

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- (4) The Domestic Coal Consumers' Council shall be charged with the like duties in relation to the sale or supply of coal, coke and manufactured fuel for the purposes mentioned in paragraph (b) of subsection (2) of this section.
- (5)^{F19}
- (6) The said councils shall be furnished by the Minister with such clerks, officers and staff as appear to him, with the concurrence of [^{F20}the Treasury] as to numbers, to be requisite for the proper discharge of their functions, and the Minister shall pay to the members of the said councils such allowances, and to the clerks, officers and staff of the said councils such remuneration and allowances, as he may with the approval of [^{F20}the Treasury] determine, and shall pay such expenses incurred by the said councils as he may so determine.
- (7) Provision may be made by regulations for or in connection with any such matters in relation to the said consumers' councils as are mentioned in subsection (7) of section two of this Act in relation to the [^{F21}Corporation], and for the appointment of a chairman of each of the said councils, with or without provision for another to act in his place, and, subject to the provisions of any such regulations, the said councils shall have power to regulate their own procedure.
- (8) Each of the said councils shall make an annual report to the Minister, and the Minister shall lay the reports before each House of Parliament.]
- (9)^{F19}
- (12) In this section the expression "manufactured fuel" means any manufactured fuel (including carbonised briquettes and ovoids) of which coal or coke is the principal constituent.

Textual Amendments

- F17** S. 4(1)-(8) repealed as to Industrial Coal Consumers' Council by [European Communities Act 1972 \(c. 68\)](#), **Sch. 3 Pt. IV**.
- F18** Words repealed by [European Communities Act 1972 \(c. 68\)](#), **Sch. 3 Pt. IV**
- F19** S. 4(5)(9)-(11) repealed by [European Communities Act 1972 \(c. 68\)](#), **Sch. 3 Pt. IV**
- F20** Words substituted by virtue of S.I. 1981/1670, **arts. 2(1)(c)(2), 3(5)**
- F21** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), **Sch. 1 para. 1(3)**

Modifications etc. (not altering text)

- C10** S. 4 amended by [Coal Consumers' Councils \(Northern Irish Interests\) Act 1962 \(c. 22\)](#), **s.1**
- C11** S. 4(2) modified by [Chronically Sick and Disabled Persons Act 1970 \(c. 44\)](#), **s. 14(1)**

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