



Coal Industry Nationalisation Act 1946

1946 CHAPTER 59 9 and 10 Geo 6

Savings, and provisions consequential on nationalisation

^{F1}36

Textual Amendments

F1 S. 36 repealed (31.10.1994) by 1994 c. 21, s. 67(8), **Sch. 11 Pt.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

37 Provisions as to superannuation, etc., rights.

- (1) Regulations shall be made for all or any of the following purposes relating to pensions, gratuities and other like benefits, that is to say,—
- (a) for providing for such benefits in favour of persons who have been in the [^{F2}Corporation's] employment, or in favour of other persons by reference to the employment of such persons;
 - (b) for providing for such benefits in favour of persons who have been in employment in or in connection with coal industry activities or transferred allied activities but have not been taken into the service of the [^{F3}Corporation], or in favour of other persons by reference to the employment of such persons;
 - (c) for the establishment and administration of schemes or other arrangements and of funds for the purposes of the preceding paragraphs, for the continuance, amendment or revocation of existing schemes or other arrangements relating to the like purposes (whether subsisting by virtue of trust, contract or otherwise) and of trust deeds, rules or other instruments made for the purposes thereof, for the transfer in whole or in part or extinguishment of liabilities under any such existing schemes or arrangements, and for the transfer in whole or in part, or winding up, of funds held for the purposes of any such existing schemes or arrangements, so however that nothing in this paragraph shall be construed as authorising diversion of any such funds to purposes other than those of the preceding paragraphs.

Changes to legislation: There are currently no known outstanding effects for the Coal Industry Nationalisation Act 1946, Cross Heading: Savings, and provisions consequential on nationalisation. (See end of Document for details)

[^{F4}(1A) Regulations may be made for providing pensions, gratuities and other like benefits in favour of persons specified in the Table in Schedule 2A to this Act, and references in subsection (1)(c) above to the purposes of paragraphs (a) and (b) of that subsection shall include references to the purposes of this subsection.]

(2) In the case of persons, whether taken into the service of the [^{F3}Corporation] or not, who have been in employment in or in connection with coal industry activities or transferred allied activities before the primary or other relevant vesting date, the regulations to be made for the purposes of the preceding subsection shall be so framed as to secure that, where either—

- (a) a right to, . . . ^{F5} any particular benefits in favour of any such person, or in favour of another person by reference to his employment, ceases or is prejudiced by reason of his ceasing in consequence of the passing of this Act to be employed by his previous employer or to be employed in the activities aforesaid, or
- (b) any such person has retired from employment as aforesaid before the primary or other relevant vesting date, and he, or another person by reference to his employment, has been in receipt of benefits granted in respect of his employment, whether as of right or under customary practice,

the same benefits, or substituted benefits not less advantageous, shall be provided for under the regulations:

Provided that this subsection shall have effect subject to such limitations as may be prescribed for meeting cases in which any such rights, expectations or benefits may have been created or granted, otherwise than in the ordinary course, in connection with any provision made by this Act or with any anticipation of the making of any such provision.

(3) Regulations made for the purposes of this section may be made so as to have effect from a date earlier than that on which they are made.

(4) Liabilities (whether of obligation or under customary practice) in relation to pensions, gratuities and other like benefits, of a kind subsisting under such existing schemes or arrangements as aforesaid in connection with the carrying on of any coal industry activities or transferred allied activities, shall be taken into account in the valuation of compensation units comprising transferred interests owned, or in things used, for such activities, and the amount referred to in subsection (4) of section thirteen of this Act which a compensation unit might have been expected to realise on the assumed sale therein referred to shall be estimated on the basis that the purchaser would be in the like position as the owner of the transferred interests comprised in the unit as respects such liabilities and as respects resort to any transferred funds held for the purposes of such existing schemes or arrangements.

Textual Amendments

- F2** Words substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), **Sch. 1 para. 1(4)**
 - F3** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), **Sch. 1 para. 1(3)**
 - F4** [S. 37\(1A\)](#) inserted by [Coal Industry Act 1977 \(c. 39\)](#), **s. 12(1)**
 - F5** Words repealed retrospectively by [Coal Industry Act 1949 \(c. 53\)](#), **s. 4(3)**
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Modifications etc. (not altering text)

- C1** [S. 37](#) amended retrospectively by [Coal Industry Act 1949 \(c. 53\)](#), **s. 4(1)**; extended by [Coal Industry Act 1949 \(c. 53\)](#), **s. 4(4)** and [Coal Industry Act 1965 \(c. 82\)](#), **s. 4(1)**

Changes to legislation: There are currently no known outstanding effects for the Coal Industry Nationalisation Act 1946, Cross Heading: Savings, and provisions consequential on nationalisation. (See end of Document for details)

- C2 S. 37(1)(a) extended by [Miners' Welfare Act 1952 \(c. 23\)](#), s. 14
- C3 S. 37(1)(c) extended by [Coal Industry Act 1949 \(c. 53\)](#), s. 4(2)

F6 38

Textual Amendments

- F6 S. 38 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

F7 39

Textual Amendments

- F7 S. 39 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

40 F8

Textual Amendments

- F8 S. 40 repealed by [Miners' Welfare Act 1952 \(c. 23\)](#), [Sch. 2](#)

41 Power to vary trusts of property provided out of the Miners' Welfare Fund.

[^{F9}(1) Where any trusts subsisting immediately before the first day of July, nineteen hundred and fifty-two, are in force in respect of property consisting—

- (a) of property representing an application of moneys standing to the credit of the miners' welfare fund; or
- (b) of property representing such an application and other property held therewith where the value of the property representing such application substantially exceeds the value of that other property,

and it appears to the Minister that any variation of those trusts (including provisions relating to the appointment or removal of trustees) is expedient in the interests of social welfare activities, he may by order make provision for that variation.

(2) No order shall be made under this section except on the application of the Social Welfare Organisation, nor unless the Minister is satisfied that the said Organisation have given notice by advertisement or otherwise, describing the proposals and affording to persons who would be affected thereby an opportunity to object to them, and have taken such other steps (if any) as appear to the Minister to be appropriate in the circumstances for ascertaining the views of such persons.]

(3) Trusts as varied by an order under this section may be varied by a subsequent order made thereunder.

Changes to legislation: There are currently no known outstanding effects for the Coal Industry Nationalisation Act 1946, Cross Heading: Savings, and provisions consequential on nationalisation. (See end of Document for details)

(4) F10

Textual Amendments

F9 S. 41(1)(2) substituted by [Miners' Welfare Act 1952 \(c. 23\), s. 11\(1\)](#)

F10 S. 41(4) repealed by [Charities Act 1960 \(c. 58\), Sch. 7 Pt. II](#)

Modifications etc. (not altering text)

C4 “Social Welfare Organisation” means Coal Industry Social Welfare Organisation incorporated under [Companies Act 1948 \(c. 38\): Miners' Welfare Act 1952 \(c. 23\), s. 12\(1\)](#)

^{F11}42

Textual Amendments

F11 S. 42 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](#)

43 F12

Textual Amendments

F12 S. 43 repealed by [Mines \(Working Facilities and Support\) Act 1966 \(c. 4\), s. 15\(2\)](#). Sch. 1

^{F13}44

Textual Amendments

F13 S. 44 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](#)

[^{F14}45 **Provisions as to Doncaster Drainage District and certain dock etc., undertakings.**

- (1) His Majesty may by Order in Council make such provision as appears to him to be requisite or expedient, in consequence of the passing of this Act for—
- (a) modifying or discharging rights conferred and obligations imposed by the ^{M1}Doncaster Area Drainage Act 1929, or the ^{M2}Doncaster Area Drainage Act 1933, on mine-owners working or proposing to work minerals under any lands situated within the Doncaster Drainage District or on the Catchment Board of the River Ouse (Yorks) Catchment Area or the Catchment Board of the River Trent Catchment Area, or for substituting other rights and obligations in lieu of all or any of the rights and obligations so conferred and imposed;
 - (b) varying the constitutions of the said Catchment Boards.

Changes to legislation: There are currently no known outstanding effects for the Coal Industry Nationalisation Act 1946, Cross Heading: Savings, and provisions consequential on nationalisation. (See end of Document for details)

- (2) His Majesty may by Order in Council make such provision as appears to him to be requisite or expedient, in consequence of the passing of this Act, with respect to the Blyth Harbour Commissioners, the Upper Mersey Navigation Commissioners, the Commissioners of the Port or Harbour of Newport and the Tyne Improvement Commission, and any other body carrying on a dock, harbour, canal or inland navigation undertaking under authorisation conferred by an Act or by an order or scheme made under, or confirmed by, an Act, being an Act, or an order or scheme, as the case may be, which provides for the representation on the body of the interests of persons of a class of which the Board are members.
- (3) An Order in Council under either of the preceding subsections may make provision for any incidental or supplementary matters for which it appears to His Majesty in Council to be requisite or expedient for the purposes of the Order to provide, and for any requisite amendment or repeal (in the case of an Order under subsection (1)) of any provision of the ^{M3}Doncaster Area Drainage Act 1929, or the ^{M4}Doncaster Area Drainage Act 1933, and (in the case of an Order under subsection (2)) of any provision of any Act, order or scheme regulating the constitution of any such body as is mentioned in that subsection.
- (4) The draft of any Order in Council proposed to be made under subsection (1) or (2) of this section shall not be submitted to His Majesty until it has lain before each House of Parliament for a period of forty days, and if within that period either House of Parliament resolves that the draft be not submitted to His Majesty, no further proceedings shall be taken thereon, but without prejudice to the laying before Parliament of a new draft.
- In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (5) An Order in Council under subsection (1) or (2) of this section may be varied or revoked by a subsequent Order in Council thereunder.]

Textual Amendments

F14 S. 45 repealed (24.12.1994 for specified purposes and otherwise *prosp.*) by 1994 c. 21, ss. 67(8), 68(4), Sch. 11 Pt. III (with ss. 40(7), 66); S.I. 1994/3063, art. 2, Sch.

Marginal Citations

M1 1929 c. xvii.
M2 1933 c. x.
M3 1929 c. xvii.
M4 1933 c. x.

Changes to legislation:

There are currently no known outstanding effects for the Coal Industry Nationalisation Act 1946,
Cross Heading: Savings, and provisions consequential on nationalisation.