



Coal Act 1943

1943 CHAPTER 38 6 and 7 Geo 6

An Act to amend the Coal Act 1938, and dissolve the Coal Mines National Industrial Board. [5th August 1943]

PART I

AMENDMENTS OF PART I OF THE COAL ACT 1938

1 Retained interests of persons working minerals other than coal.

Notwithstanding anything in paragraph (b) of subsection (2) of section five of the principal Act (which provides that interests arising under a coal mining lease shall not be retained interests where neither the lessee nor any person claiming under him is a person carrying on the business of coal mining and having a substantial beneficial interest in the exercise of the rights conferred by the lease), interests arising under a coal mining lease, where at the vesting date the lessee or some person claiming under him had a substantial beneficial interest in the exercise of the said rights but was not carrying on the business of coal mining, shall be, and be deemed always to have been, retained interests, if—

- (a) a substantial part of the business of the lessee or the said person, as the case may be, consisted at the vesting date of getting (whether by underground or surface working) and carrying away minerals or substances, other than coal, in or under land; and
- (b) no claim for compensation in respect of the interests so arising has been made under section seven of the principal Act.

2 Rents for underground wayleaves not to be affected by unification of ownership.

- (1) Where in any lease of or comprising a mine of coal and subsisting on the vesting date there is contained a provision to the effect that—
 - (a) rent shall be payable thereunder in respect of coal carried away through the mine after being got from land not comprised in the lease; or

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(b) the amount of any rent payable thereunder, whether or not in respect of such coal as aforesaid, shall be ascertained wholly or partly by reference to the amount of such coal as aforesaid;

but being a provision applying only in relation to coal got from land for the time being in a different ownership from the mine, then, as respects coal got after the vesting date, the lease shall have effect as if the provision applied in relation to coal so carried away which has been got from all such land not comprised in the lease as was in a different ownership from the mine immediately before the vesting date.

(2) For the purposes of this section, a provision contained in a document varying or supplementing a lease shall be treated as if it were contained in the lease.

(3) This section shall be deemed to have had effect as from the vesting date.

3 Costs in connection with severance of leases.

The proviso to subsection (3) of section eleven of the principal Act (which provides that the arbitrator or the Court may direct that the Commission shall not be liable to pay costs in connection with the severance of a lease incurred by a person who appears to the Court to have been unreasonable or guilty of negligence or default) shall have effect as if for the words “who appears to the Court” there were substituted the words “who appears to the arbitrator or the Court.”

Modifications etc. (not altering text)

C1 The text of s. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

4—6. F1

Textual Amendments

F1 Ss. 4—6 repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. X

7 F2

Textual Amendments

F2 S.7 repealed with savings by Mines (Working Facilities and Support) Act 1966 (c. 4), s. 15(2), Sch. 1

8—10. F3

Textual Amendments

F3 Ss. 8—10 repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. X

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11 F4

Textual Amendments

F4 S. 11 repealed with saving by [Coal Industry Act 1975 \(c. 56\)](#), s. 7(1), [Sch. 5](#)

12, 13. F5

Textual Amendments

F5 Ss. 12, 13, 15, 16, [Sch. 1](#) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. X](#)

PART II

MISCELLANEOUS AND GENERAL

14 **Inspection and copies of plans.**

The power under section fifty-two of the principal Act of prescribing the fee to be paid by a person interested in land for inspecting plans of workings, and for copies thereof or parts thereof, shall be exercised by the Minister; and in that section the expressions “coal” and “interested” shall have the meanings assigned to them by section forty-four of the principal Act.

15, 16. F6

Textual Amendments

F6 Ss. 12, 13, 15, 16, [Sch. 1](#) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. X](#)

17 **Interpretation.**

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

“the Commission” means the Coal Commission;

“the Minister” means [^{F7}the Secretary of State];

“the principal Act” means the ^{M1}Coal Act 1938 as amended by any subsequent enactment or Order in Council.

Textual Amendments

F7 Words substituted by virtue of [Ministry of Fuel and Power Act 1945 \(c. 19\)](#) s. 1(2), [Sch. 1](#), [S.I. 1957/48](#) (1957 I, p. 1439), 1969/1498, arts. 2(1), 5(6) and 1970/1537, arts. 2(2), 7(4)

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Marginal Citations

M1 1938 c. 52.

18 Short title, citation, construction and extent.

- (1) This Act may be cited as the Coal Act 1943, and may be cited together with the Coal Acts 1938 and 1942, as the Coal Acts 1938 to 1943.
- (2) Part I of this Act shall be construed as one with Part I of the principal Act.
- (3) This Act shall not extend to Northern Ireland.

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FIRST
SCHEDULE.
F8

Textual Amendments

F8 Ss. 12, 13, 15, 16, Sch. 1 repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. X

SECOND
SCHEDULE.
F9

Textual Amendments

F9 Sch. 2 repealed with saving by Coal Industry Act 1975 (c. 56), s. 7(1), Sch. 5

THIRD
SCHEDULE.
F10

Textual Amendments

F10 Sch. 3 repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. X

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Changes to legislation:

There are currently no known outstanding effects for the Coal Act 1943.