



Coal Industry Nationalisation Act 1946

1946 CHAPTER 59

General.

55 Payment of certain expenses of the Minister out of moneys provided by Parliament.

There shall be paid out of moneys provided by Parliament any expenses incurred by the Minister in—

- (a) the payment of remuneration, allowances, expenses and costs which he is required to pay by virtue of subsection (6) of section four and subsection (7) of section twelve of this Act ;
- (b) the payment of costs which he is required to pay by virtue of section fifteen of this Act;
- (c) defraying any expenses incurred by him with the consent of the Treasury in connection with reviews by referees of determinations of District Valuation Boards ;
- (d) the payment of any costs failing to be borne by him of any proceedings under this Act in which he appears before a court, a District Valuation Board, a referee, an arbitrator, or accountants employed for the purposes of determinations under subsection (4) of section eleven of this Act.

56 Restriction on disclosure of information.

- (1) No information relating to any individual business, being information which has been obtained by, or on behalf of, any person for the purposes of functions of his under this Act, shall, without the previous consent in writing of the owner for the time being of that business, be published or disclosed otherwise than in connection with the execution, or for the purposes of, this Act or of any regulation having effect by virtue of this Act.
- (2) Nothing in the preceding subsection shall apply to any publication or disclosure of any information made for the purposes of any legal proceedings (including arbitrations) pursuant to this Act, or of any criminal proceedings which may be taken whether

pursuant to this Act or otherwise, or for the purposes of any report of any such proceedings as aforesaid.

- (3) If any person publishes or discloses any information in contravention of this section, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

57 Use for purposes of this Act of information obtained under Coal Act, 1938.

Section fifty-three of the Coal Act, 1938 (which prohibits, subject to certain exceptions, the disclosure of information obtained by virtue of section fourteen of that Act) shall not apply to a disclosure of information made in connection with the execution, or for the purposes of, this Act or of any regulation having effect by virtue of this Act.

58 Penalties for giving false information, etc..

If any person—

- (a) being required under regulations made under this Act to produce any document, or without being so required but for the purpose of obtaining for himself or any other person any compensation, interim income or capital outlay refund under this Act, with intent to deceive produces any document which he knows to be false in a material particular ; or
- (b) being required under regulations so made to furnish any information, or without being so required but for the purpose aforesaid, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular;

he shall be guilty of an offence and liable on summary conviction, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine, or, on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.

59 Provisions as to prosecutions, and as to offences by corporations.

- (1) Proceedings for an offence against this Act or regulations made thereunder shall not, in England, be instituted except by or with the consent of the Minister or by the Director of Public Prosecutions.
- (2) Where an offence against this Act or regulations made thereunder has been committed by a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the contravention was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

60 Service of notices, etc..

Any notice or other document required or authorised to be given, made, delivered or served under this Act or regulations made thereunder may be given, made, delivered or served either—

- (a) by delivering it to the person to whom it is to be given, made or delivered, or on whom it is to be served; or
- (b) by leaving it at the usual or last known place of abode of that person ; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode ; or
- (d) in the case of an incorporated company or body, the Central Valuation Board or a District Valuation Board, by delivering it to the secretary or clerk of the company, body or Board at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company, body or Board at that office ; or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of a person to whom it should be given, made or delivered, or on whom it should be served, as being a person having any interest in land, by addressing it to him by the description of the person having that interest in the premises (naming them) to which it relates, and delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, affixing it, or a copy of it, to some conspicuous part of the premises.

61 Arbitration under this Act.

- (1) For the purposes of the determination of any question as to which this Act or any regulation made thereunder provides that it is to be determined by arbitration under this Act, a panel of persons to act as arbitrators shall be appointed by the Lord Chancellor, and the Lord Chancellor shall nominate two members of the panel as chairman thereof and as deputy chairman respectively.
- (2) Any such question as aforesaid shall be determined by the arbitration of such member of the panel as the chairman, or, in the event of the chairman's being temporarily absent or unable to act, the deputy chairman, may select,

62 Provisions as to regulations.

- (1) Regulations made (whether by the Minister or by the Treasury) for the purposes of any provision of this Act (in this section referred to, in relation to the regulations in question, as " the authorising enactment ") may, in addition to providing for any matters specified in the authorising enactment, provide—
 - (a) for imposing limits of time within which things to be done for the purposes of the regulations must be done, with or without power to any authority therein specified to extend limits imposed ;
 - (b) for punishing persons offending against provisions of the regulations ;
 - (c) for the determination of questions of fact or of law which may arise in giving effect to the regulations, and as to evidence for that purpose, and for regulating (otherwise than in relation to any court proceedings) any matters relating to the practice and procedure to be followed in connection with the determination of such questions, including provision as to parties and their representation and provision for the right to appear and be heard (as well in court proceedings as otherwise) of the Minister, District Valuation Boards, referees, or other

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authorities, and as to awarding costs of proceedings for the determination of such questions, determining the amount thereof and the enforcement of awards thereof;

- (d) for amending or repealing enactments inconsistent with the provision to be made for the purposes of the authorising enactment, and for applying enactments with or without modification ; and
- (e) for any incidental or supplementary matters for which it appears to the Minister to be necessary or expedient for the purposes of the authorising enactment to provide :

Provided that any punishment imposed by virtue of paragraph (b) of this subsection shall not exceed that provided for by section fifty-eight of this Act or, in the case of a fine imposed in respect of each day on which a person is in default, five pounds.

- (2) Regulations made (whether by the Minister or by the Treasury) under this Act shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament within the period of forty days beginning with the day on which any such regulations are laid before it resolves that the regulations be annulled, the regulations shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of new regulations.

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.

- (3) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, regulations made (whether by the Minister or by the Treasury) under this Act shall be deemed not to be, or to contain, statutory rules to which that section applies.

63 Interpretation.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

" coal " means bituminous coal, cannel coal and anthracite ;

" coal industry activities " means colliery production, electricity, transport, sales and welfare activities, as denned in Part I of the First Schedule to this Act, and the activities incidental thereto mentioned in paragraph 7 of that Schedule ;

" coal industry value " has the meaning assigned to it by paragraph (a) of subsection (2) of section ten of this Act ;

" colliery activities " means searching or boring for, winning, working or getting, coal, bringing it to the surface, treating it and rendering it saleable, and includes depositing spoil arising from working coal or from any other of the activities mentioned in this definition ;

" colliery concern " means a company whose business includes, or at any time on or after the first day of January, nineteen hundred and forty-six, included, the working of coal (excluding working undertaken for the purpose of digging or carrying away coal in the course of activities other than colliery activities, and working undertaken only as ancillary to the working of minerals other than coal), and any other person whose business includes, or at any such time included, such working of coal as aforesaid ;

" Consolidated Fund " means the Consolidated Fund of the United Kingdom, and includes the growing produce thereof ;

" district wages ascertainments " means the periodical ascertainments of the results of the coal industry in accordance with which the wages of mineworkers have been regulated under agreements in that behalf entered into between colliery owners and mineworkers ;

" documents " includes plans, sections, records of survey and similar things ;

" financial year of the Board " means a period of twelve months ending with a day to be prescribed, so however that the first financial year of the Board shall be the period beginning with the passing of this Act and ending with the first occurrence of the prescribed day, and, in case of any alteration of the prescribed day, the duration of the financial year of the Board as to which the alteration is first to have effect shall be shortened or extended as may be prescribed, by not more than six months, so as to end on the new prescribed day ;

" former freeholder's lease " has the meaning assigned to it by subsection (8) of section eleven of this Act;

" functions " includes both duties and powers ;

" mine of coal " means a space occupied by unworked coal or excavated underground for the purposes of colliery activities, and includes a shaft or adit made for those purposes, a coal quarry and opencast workings of coal;

" the Miners' Welfare Fund " means the fund constituted by subsection (1) of section twenty of the Mining Industry Act, 1920 ;

" the Minister " means the Minister of Fuel and Power ;

" money payment " has the meaning assigned to it by subsection (3) of section eighteen of this Act;

" prescribed " means prescribed by regulations ;

" primary vesting date " has the meaning assigned to it by subsection (1) of section five of this Act ;

" regulations " means regulations made by the Minister ;

" stock issued for compensation " has the meaning assigned to it by subsection (5) of section twenty-one of this Act ;

" transferred allied activities " means such activities as are—

- (a) of a kind referred to in Part II or III of the First Schedule to this Act in relation to the vesting in the Board by option of interests as being interests in things used, available for use or required for certain activities, or as being owned for certain activities, and
- (b) of a kind for which interests that in fact so vest were owned at the date of the vesting or for which things wherein those interests then subsisted were then used,

and that expression includes also activities in connection with farms interests in which in fact so vest, and such activities as are mentioned in subparagraph (2) of paragraph 21 of that Schedule ;

" transferred interests " has the meaning assigned to it by section nine of this Act;

" utilities " means electricity, gas, water, steam, compressed air and hydraulic power ;

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" value for subsidiary purposes " has the meaning assigned to it by paragraph (b) of subsection (2) of section ten of this Act.

- (2) The working of coal by an individual by virtue of the grant of a gale in the Forest of Dean or in any other part of the hundred of St. Briavels in the County of Gloucester shall not be deemed, for the purposes of this Act, to constitute him a colliery concern.
- (3) References in this Act to activities of any kind (whether or not described by that word) shall be construed as limited to activities of that kind carried on in Great Britain, but not so as to exclude, in the case of selling or supplying, selling or supplying for export or selling or supplying imported goods in Great Britain.
- (4) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

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.

65 Short title, extent and repeal.

- (1) This Act may be cited as the Coal Industry Nationalisation Act, 1946.
- (2) This Act shall not extend to Northern Ireland.
- (3) The enactments mentioned in the first and second columns of the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule as from the primary vesting date, and paragraph (5) of regulation fifty-five AA of the Defence (General) Regulations, 1939, and regulation sixty B of those Regulations are hereby revoked as from that date.