



Coal Industry Nationalisation Act 1946

1946 CHAPTER 59

The National Coal Board.

1 Establishment of National Coal Board and functions thereof.

- (1) There shall be a National Coal Board which shall, on and after the primary vesting date, be charged with the duties of—
 - (a) working and getting the coal in Great Britain, to the exclusion (save as in this Act provided) of any other person ;
 - (b) securing the efficient development of the coal-mining industry ; and
 - (c) making supplies of coal available, of such qualities and sizes, in such quantities and at such prices, as may seem to them best calculated to further the public interest in all respects, including the avoidance of any undue or unreasonable preference or advantage.
- (2) The functions of the National Coal Board (in this Act referred to as " the Board ") shall include the carrying on of all such activities as it may appear to the Board 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, to the exclusion of any other person ;
 - (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 Board 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 Board 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;
 - (e) any activities which can advantageously be carried on by the Board with a view to making the best use of any of the assets vested in them by this Act;

- (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 Board themselves, and their assisting the provision by others, of facilities for training, education and research.
- (3) The Board 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 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 Board 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 Board 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.

2 Constitution of the Board.

- (1) The Board shall be a body corporate by the name of "the National Coal Board", with perpetual succession and a common seal and power to hold land without licence in mortmain.
- (2) The Board shall consist of a chairman and eight other members.
- (3) The chairman and other members of the Board shall be appointed by the Minister of Fuel and Power (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) A person shall be disqualified for being appointed or being a member of the Board so long as he is a member of the Commons House of Parliament.
- (5) The Minister shall appoint one of the members of the Board to act as deputy chairman.
- (6) There shall be paid to the members of the Board such salaries and allowances as may be determined by the Minister with the approval of the 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 Board.

- (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 Board ;
 - (b) the quorum, proceedings and meetings of the Board, and determinations of the Board ; and
 - (c) the execution of instruments and the mode of entering into contracts by and on behalf of the Board, and the proof of documents purporting to be executed, issued or signed by the Board or a member, officer or servant thereof.
- (8) Subject to the provisions of any regulations made under the last preceding subsection, the Board shall have power to regulate their own procedure.

3 Powers of the Minister in relation to the Board.

- (1) The Minister may, after consultation with the Board, give to the Board directions of a general character as to the exercise and performance by the Board of their functions in relation to matters appearing to the Minister to affect the national interest, and the Board shall give effect to any such directions.
- (2) In framing programmes of reorganisation or development involving substantial outlay on capital account, the Board shall act on lines settled from time to time with the approval of the Minister.
- (3) In the exercise and performance of their functions as to training, education and research, the Board shall act on lines settled as aforesaid.
- (4) The Board shall afford to the Minister facilities for obtaining information with respect to the property and activities of the Board, and shall furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished, in such manner and at such times as he may require.

4 Consumers' councils.

- (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 to represent the Board, and—
 - (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.

Status: This is the original version (as it was originally enacted).

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, and, where action appears to them to be requisite as to any such matter, of notifying their conclusions to the Minister ;
 - (b) of considering, and reporting to the Minister on, any such matter which may be referred to them by the Minister.
- (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) On the notification or making to the Minister by either of the said councils of their conclusions or report on any matter, if it appears to him, after consultation with the Board, that a defect is disclosed in the Board's general arrangements for the production, sale or supply of coal, coke or manufactured fuel, as the case may be, he may give to the Board such directions as he may think requisite for remedying the defect, and the Board shall give effect to any such directions.
- (6) The said councils shall be furnished by the Minister with such clerks, officers and staff as appear to him, with the concurrence of 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 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 Board, 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) A regional industrial coal consumers' council or a regional domestic coal consumers' council may be appointed by the Minister for any prescribed locality for which such appointment appears to him to be expedient, whether in consequence of or apart from a recommendation in that behalf of the Industrial Council or the Domestic Council, as the case may be, established under subsection (1) of this section, and provision may be made by regulations for the dissolution of a regional council appointed for any locality

if it appears to the Minister that such a council is no longer needed for that locality, or for the variation of the locality for which such a council is to act.

- (10) Where there is a regional council for any locality, then, as regards consumers and sale or supply in that locality, the regional council shall be charged with the performance of such of the duties imposed on the Industrial Council or the Domestic Council, as the case may be, by subsection (3) or (4) of this section as may be prescribed, and provision may be made by regulations as to the regional council's reporting to the Industrial Council or the Domestic Council, as the case may be, established under subsection (1) of this section or direct to the Minister, and generally as to the relations between the regional council and the said Industrial Council or Domestic Council.
- (11) Subsections (2), (6) and (7) of this section shall apply to a regional council as they apply to the Industrial Council or the Domestic Council, as the case may be, established under subsection (1) of this section, with the substitution of references to consumers in the locality for which the regional council is to act and to sale or supply therein for references to consumers and to sale or supply generally, and subsection (5) of this section shall apply on the notification or making direct to the Minister of conclusions or a report of a regional council.
- (12) In this section the expression " manufactured fuel " means any manufactured fuel (including carbonised briquettes and avoids) of which coal or coke is the principal constituent.