1953 No. 1894

The Coal Industry Nationalisation (Payment of Costs) Regulations, 1953

Made - - - -	22*nd December*, 1953
Laid before Parliament	23*rd December*, 1953
Coming into Operation	4*th January*, 1954

The Minister of Fuel and Power (in these regulations referred to as "the Minister") in exercise of the powers conferred upon him by sections fifteen and seventeen of the Coal Industry Nationalisation Act, 1946(**a**), (in these regulations referred to as "the Act"), and of all other powers him enabling, hereby makes the following regulations:—

1.—(1) Costs to which this regulation relates are costs reasonably and properly incurred in or in connection with the ascertaining, verifying and recording of particulars of transferred interests, their arrangement in compensation units, the allocation of such units to valuation districts and the valuation of such units.

(2) Costs to which this regulation relates incurred solely in relation to transferred interests the value of which is wholly for subsidiary purposes by a company or other person who is a claimant in respect of those interests for the purposes of the Coal Industry Nationalisation (Options and Constitution of Compensation Units) Regulations, 1946(**b**), as amended(**c**), being—

(*a*) interests in stocks of products of coal industry activities or transferred allied activities or in any consumable or spare stores,

(*b*) interests under a former freeholder's lease,

(*c*) interests in unworked minerals other than coal,

(*d*) interests owned for the purposes of a central rescue station referred to in paragraph 18 of the first schedule to the Act,

(*e*) interests of any association the objects of which are to deal with matters affecting colliery concerns, being members thereof, in relation to their coal industry activities.

and such costs incurred solely in establishing the value for subsidiary purposes of any transferred interest by virtue of a provision relating to undergettings, shortworkings or similar matters by such a claimant shall be paid by the Minister subject to the following provision of this regulation.

(3) The amount payable in respect of costs to which the last preceding paragraph applies shall be at the rate of two-thirds of one per centum of the aggregate of the values for subsidiary purposes of those interests notified to the Minister by the District Valuation Board.

(4) Nothing in this regulation shall apply to any costs incurred in connection with an arbitration under the Act or a review by a referee of a determination of a District Valuation Board.

2. Regulation five of the Coal Industry Nationalisation (Payment of Costs) Regulations, 1952(**d**), (which relates to the payment of costs incurred in legal proceedings) shall extend to the payment of costs to which that regulation applies incurred by claimants who are not colliery concerns and accordingly after the words "colliery concern" therein there shall be inserted the words "or other company or person who is a claimant for the purposes of the Coal Industry Nationalisation (Options and Constitution of Compensation Units) Regulations, 1946, as amended".

(**a**) 9 & 10 Geo. 6. c. 59. (**b**) S.R. & O. 1946/1574; Rev. IV, p. 24; 1946 I, p. 159.
(**c**) *See* S.R. & O. 1947/103; Rev. IV, p. 24; 1947 I, p. 249; and S.I. 1953/492, p. 327 above.
(**d**) S.I. 1952/517; 1952 I, p. 591.

3.—(1) Costs reasonably and properly incurred by the claimant in or in connection with the making by a company or other person of a claim for compensation under section seventeen of the Act and the determination of the amount of any compensation thereunder shall be payable by the Minister subject to the following provisions of this regulation.

(2) The amount payable in respect of such costs (other than costs incurred solely in connection with any review by a referee of a determination of a District Valuation Board) shall be at the rate of one per centum of the amount of the compensation certified to the Minister by the District Valuation Board.

(3) The amount payable in respect of such costs incurred as a party to a review by a referee of a determination of a District Valuation Board, subject to any direction of the referee under regulation thirty-two of the Coal Industry Nationalisation (Valuation of Compensation Units) Regulations, 1947(**a**), or to proceedings in the High Court arising from such a review, unless the Court otherwise orders, shall in default of agreement be determined on taxation as between party and party and in the case of a review by a referee as if the proceedings had been proceedings in the High Court.

(4) Regulations six and seven of the Coal Industry Nationalisation (Payment of Costs) Regulations, 1952, shall apply in relation to this regulation as if it were part of those regulations.

4.—(1) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) These regulations shall come into operation on the fourth day of January, nineteen hundred and fifty-four, and may be cited as the Coal Industry Nationalisation (Payment of Costs) Regulations, 1953.

Dated this twenty-second day of December, nineteen hundred and fifty-three.

Geoffrey Lloyd,

Minister of Fuel and Power.

EXPLANATORY NOTE

(This note is not part of these regulations, but is intended to indicate their general purport.)

These regulations are made under sections 15 and 17 of the Coal Industry Nationalisation Act, 1946. They provide for payment by the Minister of costs (other than costs of proceedings) incurred by a company or other person in taking the steps required by the Act for determining the compensation to be paid for certain assets transferred to the National Coal Board including interests in stocks of products of coal industry activities, and in consumable or spare stores. These costs were not the subject of the Coal Industry Nationalisation (Payment of Costs) Regulations, 1952. The payments are to be calculated at the rate of two-thirds of one per centum of the aggregate of the values for subsidiary purposes of those interests.

The regulations also provide for payment by the Minister of costs incurred by a company or other person in relation to a claim for overhead expenses increase caused by severance. These costs (other than costs of proceedings) are to be calculated at the rate of one per centum of the amount of the compensation certified by the District Valuation Board.

(**a**) S.R. & O. 1947/1345; Rev. IV, p. 147; 1947 I, p. 253. (**b**) 52 & 53 Vict. c. 63.