2.—(i) This Order may be cited as The Coal Industry Nationalisation (Interim Income) (Rates of Interest) Order, 1948.

(ii) The Interpretation Act, 1889(**a**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Dated this third day of December, 1948.

C. James Simmons,
Joseph Henderson,
Two of the Lords Commissioners of His Majesty's Treasury.

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(5) SUPERIORITIES

The Coal Industry Nationalisation (Superiorities) Regulations, 1948

1948 No. 2506

Made - - - - 18*th November,* 1948
Laid before Parliament 23*rd November,* 1948
Coming into Operation 1*st December,* 1948

ARRANGEMENT OF REGULATIONS

PART I	Amendment of the principal Regulations	Regulations 1 to 5
PART II	Allocation of feu duty on notice by immediate vassal	Regulation 6
PART III	Miscellaneous	Regulations 7 to 11

SCHEDULES

I Form of notice under the principal Regulations that a feu duty has not been allocated.

II Form of application for allocation of a feu duty; and form of notice to refer a question to arbitration.

The Minister of Fuel and Power, in exercise of the powers conferred upon him by sections five and nine of the Coal Industry Nationalisation Act, 1946, and of all other powers him enabling, hereby makes the following Regulations:—

9 & 10 Geo. 6. c. 59.

PART I

Amendment of the principal Regulations

Amendments to take effect.

1. The Coal Industry Nationalisation (Options and Constitution of Compensation Units) Regulations, 1946(**b**), as amended by the Coal Industry Nationalisation (Options and Constitution of Compensation Units) Regulations, 1947(**c**), (in these Regulations referred to as "the principal Regulations") shall have effect subject to the modifications specified in the four next following regulations.

(**a**) 52 & 53 Vict. c. 63.
(**b**) S.R. & O. 1946 (No. 1574) I, p. 159.
(**c**) S.R. & O. 1947 (No. 103) I, p. 249.

Additional regulations

2. The following regulations shall be inserted after regulation one:—

"Statements of interests relating to rights of superiority.

1A.—(1) Where any asset vesting in the Board by virtue of the Act consisted or consists to any extent at the date of such vesting of feudal property, the Board shall on or before the thirty-first day of January, nineteen hundred and forty-nine, or before the expiry of six weeks from the vesting, whichever is the later, give notice in writing of the vesting to any person other than the Crown who at the date thereof was immediate superior in respect of any such property to the concern, subsidiary or other person in whom the same had theretofore been vested:

Provided that where any such superior has duly delivered a statement or supplementary statement of interests in which particulars of his right of superiority in respect of any feudal property are included, no notice relating to that property need be given in pursuance of this paragraph.

(2) Where, in relation to any statement or supplementary statement of interests duly delivered, it appears to the Minister that an asset specified therein comprised a right of superiority in any feudal property and that the claimant was in respect of that property vassal to any specified person or persons, the Minister will give notice to every such person that the said property has vested in the Board by virtue of the Act, so however that no such notice will be given to any person:—

(*a*) who has included particulars of his right of superiority in the said property in any statement of interests duly delivered by him; or

(*b*) to whom notice of the vesting of that property has already been given under this paragraph by reason of particulars included in some other statement of interests duly delivered.

(3) The owner of any right of superiority in feudal property vested in the Board by virtue of the Act may at any time deliver in duplicate both to the Minister and to the Board a statement or supplementary statement of interests relating to his said right as if in pursuance of the foregoing regulation; and shall, if no such statement has previously been delivered in pursuance of the foregoing regulation or of this paragraph deliver such a statement before the expiry of three months from the service upon him by the Board or by the Minister, in pursuance of paragraph (1) or (2) of this regulation, as the case may be, of notice of the vesting of the said property in the Board.

(4) Any statement delivered in pursuance of the last foregoing paragraph shall be made upon a form or forms provided for the purpose by the Minister; and the person delivering the same as claimant shall for the purpose furnish all such information as may be required by any form so provided in so far as the same is within his own knowledge.

Notice of feu duty not already allocated.

1B.—(1) Where:—

(*a*) an asset mentioned in a statement or supplementary statement of interests delivered in pursuance of either of the foregoing regulations is a right

of superiority in feudal property which has vested in the Board by virtue of the Act, being property which before so vesting was part of property in respect of which a feu duty was payable; and

(*b*) that feu duty had not before the said vesting been allocated by the superior as between the property vesting in the Board and the remainder of the property subject thereto;

the claimant shall, on or before the twenty-eighth day of February, nineteen hundred and forty-nine, or at the time of delivery of the statement, whichever is the later, complete and deliver to the Minister, to the Board and to any person who is his immediate vassal in respect of the said remainder a notice (in duplicate) in the form set out in the Twelfth Schedule to these Regulations.

(2) The Board and any vassal to whom any such notice has been delivered may, within four weeks thereof, make representations in writing to the Minister in relation thereto."

As to regulation 14.

3. In regulation fourteen (which relates to draft compensation units), the following paragraph shall be inserted after paragraph (4):—

" (5) In any case where a notice in pursuance of regulation one B of these Regulations has been delivered to the Minister:—

(*a*) the draft compensation unit will also show the amounts which in the opinion of the Minister constitute a proper allocation of the feu duty specified in that notice as between the property which has vested in the Board and the remainder of the property subject thereto;

(*b*) any person who is immediate vassal to the claimant in respect of the said remainder shall for all purposes of these Regulations be deemed to be an intervener."

As to regulation 15.

4. In regulation fifteen (which relates to references of draft compensation units to arbitration), the following paragraph shall be inserted after paragraph (2):—

" (2A) Any claimant or intervener, objecting to any draft compensation unit on the ground that amounts specified as constituting a proper allocation of a feu duty ought to be varied, may give notice to the Minister as if under the last foregoing paragraph requiring the question of those amounts to be determined by arbitration under the Act; and, if the arbiter determines that other amounts ought to be allocated, the Minister will vary the draft compensation unit accordingly."

Additional schedule.

5. The Schedule set out as the First Schedule to these Regulations shall be deemed to be the Twelfth Schedule to the principal Regulations.

PART II

Allocation of feu duty on notice by immediate vassal

Procedure.

6.—(1) Where any property has vested in the Board by virtue of the Act, being property which until the date of vesting formed part of property in respect of which a feu duty was payable to a superior, and that superior has not under regulation one B of the principal Regulations delivered a notice as there provided, any person who is immediate vassal to the superior in respect of that part of the last mentioned property which has not so vested may apply to the Minister in writing

in the form set out in Part I of the Second Schedule to these Regulations for allocation of the said feu duty as between that part of the property which has, and that part which has not, vested in the Board as aforesaid,

(2) Every applicant under this regulation shall give all such information in relation to the matters in question as the Minister may reasonably require.

(3) The Minister will, on receipt of any application under this regulation, either:—

(*a*) make a provisional allocation, and cause notice thereof to be served on the applicant, on his immediate superior and on the Board; or

(*b*) refer the question to be determined by arbitration under the Act.

(4) Any person other than the Board on whom notice of any provisional allocation has been served may within six weeks thereof give notice to the Minister, in the form set out in Part II of the Second Schedule aforesaid, that he requires the amounts of the feu duty to be allocated respectively to that part of the property concerned which has, and that part which has not, vested in the Board to be determined by arbitration under the Act; any person giving any such notice shall deliver a copy thereof to his immediate superior or his immediate vassal, as the case may be.

(5) Where under this regulation:—

(*a*) the Minister has made any provisional allocation, and no notice has been given to him under the last foregoing paragraph requiring arbitration under the Act; or

(*b*) the amounts to be allocated in respect of any feu duty have been referred to arbitration under the Act;

the amount provisionally allocated, or determined by the arbiter, as the case may be, with respect to that part of the said property which has not vested in the Board shall take effect as an amount allocated to that part.

PART III

Miscellaneous

Allocation of feu duty.

7.—(1) An allocation of any feu duty may be made either:—

(*a*) by the constitution under the principal Regulations of a compensation unit showing amounts which ought respectively to be allocated in respect of that feu duty; or

(*b*) under regulation six of these Regulations.

(2) Where any property was subject to a feu duty and an allocation of that duty is made in pursuance of the foregoing paragraph, any amount thereof allocated to a part of the property which has not vested in the Board shall, notwithstanding anything in any grant, be the amount of the duty payable in respect of that part.

(3) Where an allocation of any feu duty is made in pursuance of paragraph (1), the Board shall as soon as practicable thereafter prepare and cause to be executed and recorded in the appropriate Register of Sasines a memorandum of allocation in such terms as may, failing agreement between the superior and any immediate vassal, be determined under section ten of the Administration of Justice (Scotland) Act, 1933, by a reference to a judge to be selected by the parties, or, failing agreement as to such selection, to an arbiter appointed by the sheriff. 23 & 24 Geo. 5. c. 41.

(4) For the purposes of the last foregoing paragraph, the superior to whom any such feu duty was payable before the said allocation shall,

on receiving from the Board a proper indemnity against any reasonable expenses occasioned by the revisal or execution of the said memorandum, execute that memorandum in such manner, and at such time and place, as the Board may reasonably require.

Extensions of time.

8. Where any period or date is specified in Part II or III of these Regulations as the period within which, or the date by which, any act is to be performed, that period may be extended, or a later date fixed, by the Minister on application made to him in writing, notwithstanding that the period has expired or the date has passed, in any case in which he is satisfied that there has been reasonable ground for not performing that act within that period or by that date, as the case may be.

Interpretation.

9.—(1) In these Regulations the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" the Act " means the Coal Industry Nationalisation Act, 1946;

" the Board " means the National Coal Board;

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

" the principal Regulations " has the meaning assigned by regulation one.

(2) Expressions to which meanings are assigned by the Act or by these Regulations shall bear the same meanings in any notice, application or other document delivered under the provisions of these Regulations.

52 & 53 Vict. c. 63.

(3) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Commencement and citation.

10. These Regulations shall come into operation on the first day of December, nineteen hundred and forty-eight; and may be cited as the Coal Industry Nationalisation (Superiorities) Regulations, 1948.

Dated this eighteenth day of November, nineteen hundred and forty-eight.

Hugh Gaitskell,
Minister of Fuel and Power.

Regulation 5.

(Regulation 18).

FIRST SCHEDULE

(TWELFTH SCHEDULE.)

THE COAL INDUSTRY NATIONALISATION ACT, 1946

THE COAL INDUSTRY NATIONALISATION (OPTIONS AND CONSTITUTION OF COMPENSATION UNITS) REGULATIONS, 1946

Notice that a feu duty has not been allocated

Claimant:

Name:

Address:

To (*a*)

1. Take Notice that the asset (*b*) particulars whereof are set out on Relevant Form ..... Item ..... of the above-named claimant's Statement of Interests dated ..... is a right of

superiority in property which has vested in the National Coal Board by virtue of section five of the Act being property which before so vesting was part of property in respect of which a feu duty was payable;

And that that feu duty had not before the said vesting been allocated by the superior as between the property vesting in the Board and the remainder of the property subject thereto.

2. In the opinion of the claimant the said feu duty should be allocated between the parts of the property concerned, as follows:—

Particulars of the whole property		Particulars of the part vested in the Board		Total feu duty	Allocation	
Identification, acreage and purpose for which used	Gross annual value	Identification, acreage and purpose for which used	Gross annual value		Vested property	Remainder
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7

3. This Notice has been delivered to (*c*) .....
.....
and .....

Date ..... Signed(*d*) .....

(*a*) To be delivered in duplicate to the Minister, to the National Coal Board and to any person who is vassal to that claimant in respect of the remainder of the property.

(*b*) Claimants should deliver separate notices in respect of property granted under separate feu charters.

(*c*) See Note (*a*).

(*d*) See Regulation 23 of the above-mentioned Regulations.

SECOND SCHEDULE

Regulation 6.

PART I

THE COAL INDUSTRY NATIONALISATION ACT, 1946
THE COAL INDUSTRY NATIONALISATION (SUPERIORITIES) REGULATIONS, 1948

Application for allocation of a feu duty

To the Minister of Fuel and Power:

1. ..... of .....
..... in the county of .....(*a*)
as immediate vassal in respect of part of the property specified in Cols. 1

and 2 of the Annexure hereto hereby applies for an allocation of the feu duty payable as at .....(*b*) (the amount whereof is specified in Col. 5 of the Annexure) to ..... of .....(*c*) as superior in respect of the whole of the property specified in Cols. 1 and 2.

2. The part of the property specified in Cols. 3 and 4 of the Annexure has vested in the National Coal Board by virtue of section 5 of the above-mentioned Act, but the said superior has served no notice in pursuance of regulation 1B of the Coal Industry Nationalisation (Options and Constitution of Compensation Units) Regulations, 1946, as amended by the above-mentioned regulations.

3. In the opinion of the applicant the amounts respectively set out in Cols. 6 and 7 of the Annexure would constitute a proper allocation.

Date ..... Signature .....(*d*)

(*a*) Set out full name and address of applicant, and the address to which communications may be sent.

(*b*) Specify the date on which the part of the property specified in Cols. 3 and 4 vested in the National Coal Board.

(*c*) Set out the name and address of the owner of the right of superiority.

(*d*) To be signed by the applicant or by the agent responsible for the management of the property subject to the feu duty.

ANNEXURE

Particulars of the whole property		Particulars of the part vested in National Coal Board		Total feu duty payable	Proposed allocation	
Identification, acreage and purpose for which used	Gross annual value	Identification, acreage and purpose for which used	Gross annual value		Property vested in National Coal Board	Remainder
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7

PART II

THE COAL INDUSTRY NATIONALISATION ACT, 1946

THE COAL INDUSTRY NATIONALISATION (SUPERIORITIES) REGULATIONS, 1948

Notice to refer question to arbitration

Ref.(*a*)

To the Minister of Fuel and Power.

Take Notice that

..... of .....

..... in the county of .....(*b*)

on whom notice of provisional allocation of a feu duty in respect of .....(*c*) has been served as .....(*d*) requires the amounts to be allocated respectively to the part of the said property which has vested in the National Coal Board and to the part which has not so vested to be determined by arbitration under the Act.

It is suggested that the following amounts would constitute a proper allocation:—

Property vested in the National Coal Board ... £.....

Remainder ... ... £.....

Copies of this notice have been delivered to .....

.....(*e*)

Date ..... Signed .....(*f*)

Description .....

(*a*) Set out the Minister's reference appearing on the notice of provisional allocation or covering letter.

(*b*) Set out the full names of the person giving the notice, and the address to which communications may be sent.

(*c*) Identify the property in respect of which the feu duty was payable before any part vested in the National Coal Board.

(*d*) Specify capacity in which notice of provisional allocation was received.

(*e*) See regulation 6 (4) of the above-mentioned regulations.

(*f*) Signature of the person giving the notice or of his solicitors or of the agent responsible for managing his property.

EXPLANATORY NOTE

(*This Note is not part of these Regulations, but is intended to indicate their general purport.*)

Under the Coal Industry Nationalisation Act, 1946, where property in Scotland which is feudal property vests in the National Coal Board by virtue of that Act, the right of superiority in the property vests also.

These regulations amend the Coal Industry Nationalisation (Options and Constitution of Compensation Units) Regulations, 1946, so as to provide for the previous owner of such a right of superiority delivering a statement of interests under those regulations as a preliminary to claiming compensation under the Act in respect of his right. In cases where the right of superiority has been included in a statement of interests already delivered, no further statement is required; but in all other cases a statement may be delivered at any time after these regulations come into operation, and must be delivered within three months of the date when formal notice of the vesting as provided in these regulations is served upon the owner.

The regulations also provide that, where any such property vesting in the National Coal Board had previously as part of a larger property been subject to a feu duty, and that duty has not been allocated as between the property vesting in the Board, and the remainder, an allocation is now to be made. This may be done either:—

(*a*) in the course of the constitution of a compensation unit, for which purpose further amendments are made in the Coal Industry Nationalisation (Options and Constitution of Compensation Units) Regulations, 1946; or

(*b*) at the instance of the immediate vassal, under these regulations, if steps are not taken under (*a*).

B. ORDERS, &c., UNDER COAL MINES ACTS

(1) *Employment (Workers below Ground)*.
(2) *Explosives*, p. 528.
(3) *Firedamp Detectors*, p. 530.
(4) *Lighting*, p. 533.
(5) *Safety Lamps*, p. 534.
(6) *Winding and Haulage*, p. 535.

(1) EMPLOYMENT (WORKERS BELOW GROUND)

The Coal Mines Regulation (Suspension) Order, 1948

1948 No. 868

Made - - - - *27th April*, 1948
Coming into Operation *1st May*, 1948

At the Court at Buckingham Palace, the 27th day of April, 1948

Present,

The King's Most Excellent Majesty in Council

8. Edw. 7. c. 57.

Whereas the Coal Mines Regulation Act, 1908, makes provision regarding the times during which certain persons employed in mines below ground may be below ground in a mine for the purposes of their work:

And Whereas by section four of that Act, it is provided that His Majesty may, in the event of, inter alia, great emergency, or in the event of any grave economic disturbance due to the demand for coal,