Where a valuation board are satisfied that property so transferred was, before transfer, used in association with other assets which have also been transferred, they are to value that property on the basis that a new owner would be in a position to use it in association with those other assets as if he held the same interests in them as the previous owner of the property, not merely in those cases, as at present, where a claim for this to be done has been included in the estimate of value which the claimant for compensation is required to deliver at the start of the proceedings, but also if a party other than the claimant has applied for it and the board are satisfied that to do so would be conducive to a fair and equitable valuation of the property.

Further amendments make the National Coal Board a party to all proceedings before valuation boards, and give them the right to apply for a review of any determination of a valuation board, and to be a party to the review if a review is asked for by any other person.

The Coal Industry Nationalisation (Valuation) (Amendment) (No. 2) Regulations, 1950

1950 No. 2068

Made - - - -	18*th December*, 1950
Laid before Parliament	19*th December*, 1950
Coming into Operation	1*st January*, 1951

The Minister of Fuel and Power, after consulting the Central Valuation Board, in exercise of the powers conferred upon him by sections thirteen and fourteen of the Coal Industry Nationalisation Act, 1946(**a**), and of all other powers him enabling, hereby makes the following regulations:—

1. The Coal Industry Nationalisation (Valuation of Compensation Units) Regulations, 1947(**b**), as amended by the Coal Industry Nationalisation (Valuation) (Amendment) Regulations, 1949(**c**) and 1950(**d**), shall have effect subject to the modifications specified in these regulations.

2. In paragraph (2) of regulation fourteen (which relates to valuation of transferred interests used in association with each other) for the words from " and they shall value " to the end of the paragraph there shall be substituted the following words:—

" and the Valuation Board shall value the compensation unit which comprises the transferred interests in the said other assets on the basis that the purchaser of the transferred interests in the said property would be in a position to use the said other assets, as the holder of the said claimant's transferred interests therein, in association with the said property."

3. After paragraph (2) of regulation fourteen there shall be inserted the following paragraphs:—

" (2A) Any application made under the last preceding paragraph by a party to the proceedings other than the claimant shall be in writing and shall be served upon the Valuation Board and every other party to the proceedings before the expiry of two months from the delivery to him by the claimant of the estimate of value or before the first day of February, nineteen hundred and fifty-one, whichever is the later.

(a) 9 & 10 Geo. 6. c. 59. (b) S.R. & O. 1947 (No. 1345) I, p. 253.
(c) S.I. 1949 (No. 901) I, p. 688. (d) S.I. 1950 No. 1265, p. 373 above.

(2B) In paragraph (2) of this regulation the transferred interests of a claimant shall be deemed to include,—

(*a*) where the claimant is a colliery concern which is a company, the transferred interests of any Class A or Class B subsidiary of the claimant, or

(*b*) where the claimant is a Class A or Class B subsidiary of a colliery concern, the transferred interests of that colliery concern and any other Class A or Class B subsidiary of that concern."

4. In paragraph (1) (*c*) of regulation fifteen (which relates to the delivery of estimates of value by claimants) for the word " mentioned " there shall be substituted the word " comprised ".

5. In paragraph (1) of regulation forty-one (which relates to extensions of times within which things are to be done) after the words " in relation to " (where they first appear) there shall be inserted the words " paragraph (2A) of regulation fourteen ".

6. These regulations shall come into operation on the first day of January, nineteen hundred and fifty-one, and may be cited as the Coal Industry Nationalisation (Valuation) (Amendment) (No. 2) Regulations, 1950.

Dated this eighteenth day of December, nineteen hundred and fifty.

Philip Noel-Baker,
Minister of Fuel and Power.

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, interests transferred by that Act to the National Coal Board are for the purposes of compensation divided into compensation units, which are to be valued on the basis of a notional sale in the open market by a willing seller to a willing buyer. Regulations 2, 3 and 5 of these regulations relate to paragraph (2) of regulation 14 of the Coal Industry Nationalisation (Valuation of Compensation Units) Regulations, 1947, which appears in the Coal Industry Nationalisation (Valuation) (Amendment) Regulations, 1950. This paragraph provides for the valuation of property in a compensation unit on the basis that the notional purchaser of that unit would be able to use with his property transferred interests formerly used in association with it but comprised in a different unit, for example, where houses used by a colliery concern for housing its employees are in one unit and the colliery in another.

Regulation 2 clarifies the second part of that paragraph without affecting its substance.

Regulation 3 provides how and within what time an application under that paragraph is to be made by a party to the proceedings other than the claimant. It also extends the paragraph by providing for account to be taken of interests in property held by a subsidiary or parent company of a claimant company. Thus if houses used in association with a colliery were formerly owned by a subsidiary company of the colliery concern, without this amendment the notional purchaser of the colliery could only be treated as in a position to use the houses to the extent of any interest of the colliery concern itself in them, but now the interest of the house-owning subsidiary company can also be taken into account.

Regulation 4 relates to the attribution of a value to a particular item in a compensation unit by the claimant in his estimate of value. The amendment makes it clear that this can be done not only where the item is specifically described in the compensation unit but also where it is covered by general descriptive words.

Regulation 5 provides for extension by the Valuation Board of the time referred to in regulation 3.

ORDERS, &c., UNDER COAL MINES ACTS

The Coal Mines (Certificates of Competency) General Regulations, 1950

1950 No. 743

Made - - - -	9*th May*, 1950
Laid before Parliament	10*th May*, 1950
Coming into Operation	24*th May*, 1950

The Minister of Fuel and Power in exercise of the powers conferred upon him by section eighty-six of the Coal Mines Act, 1911(**a**), as amended by section nine of the Coal Industry Act, 1949(**b**), and of all other powers him enabling, hereby orders that the following regulations shall have effect:—

Amendment of the Coal Mines Act, 1911

1. The Coal Mines Act, 1911, shall have effect subject to the modifications specified in these regulations.

2. There shall be inserted after the words "certificate of competency under this Act" the words "valid with respect to that mine" in—

(*a*) the proviso to subsection (2) of section two (which relates to the appointment, in case of a manager ceasing to be manager, of a competent person to perform the duties and exercise the powers of manager temporarily);

(*b*) paragraph (*a*) and paragraph (*b*) of subsection (2) of section three (which subsection relates to the appointment, in cases where daily personal supervision cannot on account of some temporary cause be exercised by the manager or under-manager, of a person to perform the duty of daily supervision);

(*c*) subsection (1) and subsection (2) of section five (which section relates to the qualifications of managers and under-managers).

3. At the end of section seven (which describes certificates of competency) there shall be inserted the following words:—

"Provided that there may be certificates of either class expressed to be valid only with respect to mines of a specified class or description. Any certificate of which the validity is not so limited shall be valid for all mines."

(**a**) 1 & 2 Geo. 5. c. 50. (**b**) 12, 13 & 14 Geo. 6. c. 53.