The Coal Industry Nationalisation (Valuation) (Amendment) Regulations, 1949

1949 No. 901

Made - - - -	11*th May*, 1949
Laid before Parliament	16*th May*, 1949
Coming into Operation	23*rd May*, 1949

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

Amendment.

1. The Coal Industry Nationalisation (Valuation of Compensation Units) Regulations, 1947(**b**), shall have effect subject to the modifications specified in these regulations.

As to regulation 6 (2).

2. In regulation six (which makes provision relating to determinations of District Valuation Boards) the following paragraph shall be substituted for paragraph (2) :—

" (2) No member of a District Valuation Board shall be competent to take any part at any stage in the procedure for determining the value of a compensation unit, or of any part of a compensation unit, or the amount of any compensation to be made under section seventeen of the Act (any claim for any such compensation being in these regulations referred to as a " severance case "), if at any time on or after the first day of July, nineteen hundred and forty-five, he has personally done work on behalf of any party to the proceedings for the purposes of the Act in relation to ascertaining, verifying or recording particulars of, or valuing, transferred interests included in that unit or that part, or, as the case may be, in relation to the severance case :

Provided that nothing in this paragraph shall restrict the competence of any such member—

(*a*) if his action on behalf of any such party has been confined to advising or reporting—

(i) for any purpose connected with a district wages ascertainment ; or

(ii) on the entitlement of any colliery concern to a capital outlay refund, or on the measure of that entitlement ;

(*b*) if every party to the proceedings consents to his taking such a part."

As to regulation 18.

3. In regulation eighteen (which provides for a District Valuation Board affording to parties to proceedings an opportunity to be heard on a draft valuation), the following proviso shall be inserted in paragraph (1) after the words " on such draft " :—

" Provided that no such notice shall be served by any such party, nor shall the Valuation Board hear any such party, being an intervener, as defined in paragraph (3) of regulation fourteen of the Coal Industry Nationalisation (Options and Constitution of Compensation

(**a**) 9 & 10 Geo. 6. c. 59. (**b**) S.R. & O. 1947 (No. 1345) I, p. 253.

Units) Regulations, 1946(a), as amended by the Coal Industry Nationalisation (Options) (Amendment) Regulations, 1949(b), by virtue only of having in good faith acquired rights in a transferred interest included in the compensation unit in question as mentioned in sub-paragraph (*e*) (ii) of that paragraph, except in so far as the value of that transferred interest is concerned."

As to regulation 27.

4. After the proviso to regulation twenty-seven (which makes provision enabling parties to proceedings to require a review of a determination of a District Valuation Board) there shall be added the following proviso:—

"And provided also that no such review of the value of a compensation unit may be required by any party to the proceedings, being an intervener by virtue only of having in good faith acquired rights in a transferred interest comprised in that compensation unit as mentioned in the proviso to paragraph (1) of regulation eighteen, except in so far as the value of that transferred interest is concerned".

As to regulation 28.

5. In regulation twenty-eight (which makes provision for the selection of a referee) there shall in paragraph (4) be substituted for the words "party to the review" the words "party to the proceedings before the Valuation Board."

As to regulation 30.

6. In regulation thirty (which contains provisions as to hearing) there shall in sub-paragraph (*a*) of paragraph (4) be substituted for the words "he shall then hear every other party to the review" the words "he shall then, within such limits (if any) as were applicable in the proceedings before the Valuation Board, hear every other party to the review".

Commencement and citation.

7. These regulations shall come into operation on the twenty-third day of May, nineteen hundred and forty-nine, and may be cited as the Coal Industry Nationalisation (Valuation) (Amendment) Regulations, 1949.

Dated this eleventh day of May, nineteen hundred and forty-nine.

Hugh Gaitskell,
Minister of Fuel and Power.

EXPLANATORY NOTE

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

1. These regulations amend the Coal Industry Nationalisation (Valuation of Compensation Units) Regulations, 1947.

2. The provisions barring a member of a District Valuation Board from taking part in a particular case if he has done work in relation to the compensation unit or the severance claim on behalf of a person having an interest in the valuation or claim are modified. A member may not take part in a case if he has personally done work on behalf of a party to the proceedings for the purposes of the Act in relation

(a) S.R. & O. 1946 (No. 1574) I, p. 159. (b) S.I. 1949 No. 900, p. 682 above.

to preparing particulars of, or valuing, transferred interests in the compensation unit, or in relation to the severance case, unless all parties consent. Certain work as an independent accountant is excepted. The bar will apply in the case of any work on or after 1st July, 1945 (Reg. 2).

3. A party to proceedings who is an intervener with respect to a compensation unit by virtue of having in good faith acquired rights in a transferred interest in it, in circumstances in which paragraph 23 of the First Schedule to the Coal Industry Nationalisation Act, 1946, applies, may only take part in valuation and review proceedings to the extent that the value of his interest is concerned (Regs. 3, 4 and 6).

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

(1) *General Regulations.* | (2) *Employment (Workers below Ground)*, p. 708.

(1) GENERAL REGULATIONS

(i) *Lighting and Contraband.*
(ii) *Horses*, p. 693. | (iii) *Locomotives*, p. 697.

(i) LIGHTING AND CONTRABAND

The Coal Mines (Lighting and Contraband) General Regulations, 1949

1949 No. 924

Made - - - -	16*th May*, 1949
Laid before Parliament	19*th May*, 1949
Coming into Operation	1*st June*, 1949

The Minister of Fuel and Power, in pursuance of section eighty-six of the Coal Mines Act, 1911(a) (in these Regulations referred to as "the Act"), hereby orders that the following Regulations shall have effect:—

Amendment of section 32 of the Act.

1. The following section shall be substituted for section thirty-two of the Act:—

"(1) No lamp or light other than a locked safety lamp or such other means of lighting as is permitted by the regulations of the mine shall be allowed or used in any mine—

(*a*) in any part of which safety lamps were used or required to be used, otherwise than as a temporary precaution, immediately before the first day of January, nineteen hundred and forty-nine, or have been so used on or after that date,

(*b*) in any part of which any explosion or ignition of inflammable gas, whether or not causing personal injury, has occurred on or after that date,

(*c*) newly opened after the said date, or

(*d*) in respect of which the Inspector of the Division has, not less than one month previously, given notice to the owner, agent or manager that safety lamps should be installed,

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(a) 1 & 2 Geo. 5. c. 50.