EXPLANATORY NOTE

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

These regulations provide for the winding up of certain schemes or parts of schemes (listed in the schedule to the regulations) which provided superannuation benefits for employees of colliery concerns. The members whom they covered are identified in reg. 1, and are those referred to in sec. 4 (2) of the Coal Industry Act, 1949. Where such persons were the only persons covered by a particular scheme, the whole scheme is now wound up. Where a particular scheme covered other persons as well, that scheme was required to be split under the appropriate regulations made by the Minister of Fuel and Power under the Coal Industry Nationalisation Act, 1946; and only the National Coal Board's part of the scheme is wound up by these regulations.

Assets and outstanding liabilities pass to the trustees of the principal superannuation scheme of the National Coal Board, and any surplus after discharge of those liabilities is to be applied for the purposes of that scheme.

1952 No. 1488

The Coal Industry Nationalisation (Valuation) (Amendment) Regulations, 1952

Made - - - -	8*th August*, 1952
Laid before Parliament	11*th August*, 1952
Coming into Operation	18*th August*, 1952

The Minister of Fuel and Power, after consulting the Central Valuation Board, in exercise of the powers conferred upon him by sections twelve, thirteen, fourteen and seventeen 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(c), shall have effect subject to the modifications specified in these regulations.

2. At the end of regulation fourteen there shall be inserted the following regulation—

"14A.—(1) Where any property in which there subsisted a transferred interest comprised in a compensation unit was before transfer used in association with other assets in which there subsisted transferred interests comprised in one or more other compensation units, and, in pursuance of the following provisions of this Regulation, the Valuation Board issue a certificate that this Regulation is to apply to the valuation of those units, the Valuation Board shall value each of those compensation units on the basis that both or all of them were sold together to the same person in order that he would be in a position to use the said property and the said other assets in association for such period and to such extent as he required.

(a) 9 & 10 Geo. 6. c. 59.
(b) S.R. & O. 1947/1345; Rev. IV, p. 147; 1947 I, p. 253.
(c) *See* S.I. 1949/901; 1950/1265, 2068; 1951/802: 1949 I, p. 688; 1950 I, pp. 373, 375; 1951 I, p. 273.

(2) This Regulation shall not apply to the valuation of compensation units unless—

(*a*) the same person is the claimant in respect of each, or

(*b*) the claimants are a colliery concern which is a company and one or more class A or class B subsidiaries of that colliery concern, or

(*c*) each of the claimants is a class A or class B subsidiary of a colliery concern which is a company.

(3) An application for this Regulation to apply to the valuation of compensation units may be made—

(*a*) by the claimant in respect of any of them in his estimate of value,

(*b*) by any party to the proceedings on the valuation of one of them, other than the claimant, by notice in writing served—

(i) upon the Valuation Board before the expiry of thirty days from the delivery to the Valuation Board by the claimant of his estimate of value, and

(ii) upon every other person who is a party to the proceedings on the valuation of any of them within that period ;

so however that in relation to an estimate of value so delivered during the period of thirty-one days ending on the seventeenth day of August, nineteen hundred and fifty-two, the said period shall be two months.

(4) The Valuation Board shall issue a certificate that this Regulation applies to the valuation of any compensation units in respect of which an application has been made under the last preceding paragraph unless they determine, and so certify,—

(*a*) on an objection made by any party to the proceedings on the valuation of any of those units or otherwise, that no property in which there subsisted a transferred interest comprised in one of those units was before transfer used in association with other assets in which there subsisted transferred interests comprised in the other compensation unit or units, or

(*b*) on an objection in respect of an application made under sub-paragraph (*b*) of the last preceding paragraph by any party to the proceedings on the valuation of any of those units, that to value those units on the basis that both or all of them were sold to the same person would be conducive to a valuation of any of them which, having regard to the effect of valuation on that basis on the valuation of the other or others, would be unfair or inequitable.

An objection made under this paragraph shall be made in writing and shall be served on the Valuation Board and every other person who is a party to the proceedings on the valuation of any of those units within twenty-one days of the service of the application on the objector.

The Valuation Board shall serve their certificate on every person who is a party to the proceedings on the valuation of any unit to which it relates.

(5) The Valuation Board shall determine any question arising under the last preceding paragraph after giving the applicant and any objector an opportunity of being heard. Paragraph (3) of Regulation eighteen shall apply to the representation of any person before the Valuation Board under this paragraph.

(6) If an application under this Regulation relating to any unit has been served upon the Valuation Board before they serve a draft valuation thereof upon any person under Regulation sixteen, they shall not serve such draft valuation until they have issued their certificate.

(7) Where compensation units to which an application under this Regulation relates have been allocated to different valuation districts assigned to different Valuation Boards any question arising on that application shall be determined by such one of those Boards as may be selected by the Minister and that Board shall notify their determination to the other Boards which shall proceed with the valuation of the compensation units allocated to their districts accordingly.

(8) Where any claim or application has been duly made before the eighteenth day of August, nineteen hundred and fifty-two, that any property and assets ought to be valued in accordance with paragraph (2) of Regulation fourteen but the Valuation Board before that date have neither decided the claim or application nor served their draft valuation of any compensation unit affected thereby, the procedure prescribed in this Regulation shall be followed in determining any question arising thereon and in the valuation of the units comprising the transferred interests which subsisted in that property and those assets as if the claim or application had been duly made under this Regulation, subject to the modification that an objection may be made for the purpose of paragraph (4) before the thirtieth day of September, nineteen hundred and fifty-two."

3. At the end of regulation thirty-three there shall be inserted the following words—

" so however that in any review of the value of a compensation unit in respect of which a certificate has been issued by a Valuation Board under Regulation fourteen A of these Regulations, a question whether or not that Regulation is applicable shall be determined by the certificate so issued which shall not be open to review."

4.—(1) The regulations specified in the first schedule to these regulations are hereby revoked:

Provided that the provisions therein constituting paragraphs (2), (2A) and (2B) of Regulation fourteen shall continue to have effect in relation to compensation units affected by a claim or application made under the said paragraph (2) where the Valuation Board have decided the claim or application or served their draft valuation of at least one of those units before the eighteenth day of August, nineteen hundred and fifty-two.

(2) Subject to the proviso to paragraph (1), the amendments specified in the second schedule to these regulations (being amendments consequential upon the foregoing regulations and amendments made by regulations hereby revoked) shall have effect.

5. These regulations shall come into operation on the eighteenth day of August, nineteen hundred and fifty-two, and may be cited as the Coal Industry Nationalisation (Valuation) (Amendment) Regulations, 1952.

Dated this eighth day of August, nineteen hundred and fifty-two.

Donald Fergusson,
Secretary to the Ministry of Fuel and Power.

FIRST SCHEDULE

REGULATIONS REVOKED

The Coal Industry Nationalisation (Valuation) (Amendment) Regulations, 1949	S.I. 1949 No. 901
The Coal Industry Nationalisation (Valuation) (Amendment) Regulations, 1950	S.I. 1950 No. 1265
The Coal Industry Nationalisation (Valuation) (Amendment) (No. 2) Regulations, 1950	S.I. 1950 No. 2068
The Coal Industry Nationalisation (Valuation) (Amendment) Regulations, 1951	S.I. 1951 No. 802

SECOND SCHEDULE

AMENDMENTS TO S.R. & O. 1947 No. 1345

Regulation 6. For paragraph (2) there shall be substituted—

"(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, 1945, 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."

Regulation 14. Paragraph (3) shall cease to have effect, except in relation to compensation units affected by a claim or application made under paragraph (2) where the Valuation Board have decided the claim or application or served their draft valuation of at least one of those units before the eighteenth day of August, nineteen hundred and fifty-two.

Regulation 15. (*a*) In sub-paragraph (*c*) of paragraph (1) for the word "mentioned" there shall be substituted the word "comprised";

(*b*) In sub-paragraph (*e*) of paragraph (1) for the words "paragraph (2) of the last preceding Regulation" there shall be substituted the words "Regulation fourteen A".

Regulation 17. In the proviso for the words "within the period of thirty days from the date of the giving of such information in the case of every party other than the Minister and within six months from that date in the case of the Minister and references in the proviso to that Regulation to the period of thirty days shall be construed accordingly" there shall be substituted the words "as if the period of thirty days therein first specified commenced with the date of the giving of such information".

Regulation 18. (*a*) In paragraph (1) the words " in the case of every party other than the Minister and within the period of six months from that date (or such extended period as the Minister may determine in respect of any class or description of cases or any particular case and which he notifies to the Valuation Board) in the case of the Minister," shall be deleted;

(*b*) At the end of paragraph (1) there shall be added the following proviso—

" 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 Units) Regulations, 1946, as amended by the Coal Industry Nationalisation (Options) (Amendment) Regulations, 1949, 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."

Regulation 20. In paragraph (1) after the word " claimant " there shall be inserted the words " the National Coal Board ".

Regulation 22. For the words " to the Minister " there shall be substituted the words " to each party to the proceedings other than himself ".

Regulation 24. In paragraph (1) there shall be substituted for the words " the other " the words " each other " and for the words " both parties " the words " all parties ".

Regulation 25. In paragraph (1) for the words " either or both " there shall be substituted the word " such ".

Regulation 26. After the words " severance claimant " there shall be inserted the words " and the National Coal Board ".

Regulation 27. (*a*) In sub-paragraph (*a*) the words " in the case of every party other than the Minister and within six months from that date in the case of the Minister " shall be deleted;

(*b*) After the words " the Eighth Schedule to these Regulations " there shall be inserted the words " and to every other party to the proceedings,";

(*c*) At the end there shall be inserted 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.";

(*d*) The regulation as so amended shall be paragraph (1) and there shall be added the following paragraph—

" (2) Any party to the proceedings before the Valuation Board to whom notice requiring a review has been given in accordance with the provisions of the foregoing paragraph may, within a period of fourteen days from the date of receipt by him of such notice, by notice given to the chairman of the panel, in the form set out in the Eighth Schedule to these Regulations, and to every other party to the proceedings, himself require to have a review as aforesaid."

Regulation 28. In paragraph (4) for the words " party to the review " there shall be substituted the words " party to the proceedings before the Valuation Board ".

Regulation 29. In paragraph (1) after the words " in accordance with the provisions of " there shall be inserted the words " paragraph (1) of " and at the end there shall be inserted the following paragraphs—

" (1A) In any case in which any person has properly and duly required a review under and in accordance with the provisions of paragraph (2) of Regulation twenty-seven of these Regulations, such person shall within thirty days from the date of the receipt by him of the notice of selection as aforesaid deliver to the referee, and to every other party to the review, a statement setting out full particulars of every ground on which such requirement is based.

(1B) No objection to the issue of a certificate by a Valuation Board under Regulation fourteen A of these Regulations or to the matters certified shall be a ground on which a requirement for a review is based."

Regulation 30. (*a*) In sub-paragraph (*a*) of paragraph (4) after the word " then " there shall be inserted the words " within such limits (if any) as were applicable in the proceedings before the Valuation Board ";

(*b*) At the end of paragraph (4) there shall be inserted the following paragraph—

" (5) Any party who has not delivered a statement of particulars in pursuance of the last preceding Regulation shall not, except with the leave of the referee, be entitled to invite the referee to vary the determination under review:

Provided that this paragraph shall not apply at the hearing of any review required before the fifteenth day of May, nineteen hundred and fifty-one."

Regulation 41. (*a*) In paragraph (1) after the words " in relation to " (where they first appear) there shall be inserted the words " Regulation fourteen A ";

(*b*) In paragraph (1) the words " (in so far as it relates to any party to the proceedings other than the Minister) " shall be deleted;

(*c*) In paragraph (2), sub-paragraph (*c*) shall be deleted.

Regulation 47. (*a*) In paragraph (1) in the definition of " party to the proceedings " for the words " and the Minister " in each place where they occur there shall be substituted the words " the Minister and the National Coal Board ";

(*b*) In paragraph (1) for the definition of " party to the review " there shall be substituted—

" ' party to the review ' means, in relation to a severance case, the severance claimant, the Minister, the Valuation Board and the National Coal Board, and in relation to any other case, the claimant, every party to the proceedings before the Valuation Board who has (prior to the hearing of the review) given notice in writing to the clerk to the referees and to every other such party that he desires to be a party to the review, the Minister and the Valuation Board; and " party " shall be construed accordingly;".

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.

The Coal Industry Nationalisation (Valuation of Compensation Units) Regulations, 1947, prescribe principles and procedure for valuing those compensation units. The new Regulation 14A which is inserted in those Regulations deals with circumstances in which property e.g. a colliery included in one unit was before that transfer used in association with other assets e.g. colliery houses comprised in one or more other units. It provides in appropriate cases for those units to be valued on the basis that they were sold together to the same person in order that he would be in a position to use the property and assets in association. This Regulation replaces provisions for the same purpose in Regulation 14 of those 1947 Regulations as amended by two 1950 Amendment Regulations. The procedure to be followed is now set out in greater detail.

Amendments consequential on the above, and the remaining amendments made by the Amendment Regulations 1949, 1950 and 1951 are consolidated in a schedule to the present Regulations and all previous Amendment Regulations are revoked.

ORGANISATION AND MANAGEMENT

1952 No. 1224

The Coal Mines (Deputies' Certificates) (Fees) Order, 1952

Made - - - -	*24th June*, 1952
Coming into Operation	*1st July*, 1952

The Minister of Fuel and Power, with the consent of the Treasury, in exercise of the powers conferred upon him by section nine of the Coal Mines Act, 1911(a), and of all other powers him enabling, hereby makes the following order :—

1. The fees to be paid on an application for a deputy's certificate shall be—

(*a*) five shillings ; and

(*b*) in the case of an applicant who submits or re-submits himself for a practical test held by the Mining Qualifications Board, twenty shillings.

2. This order shall come into operation on the first day of July, nineteen hundred and fifty-two, and may be cited as the Coal Mines (Deputies' Certificates) (Fees) Order, 1952.

Dated this twenty-fourth day of June, nineteen hundred and fifty-two.

Donald Fergusson,
Secretary
to the Ministry of Fuel and Power.

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