EXPLANATORY NOTE

(This note is not part of the order, but is intended to indicate its general purport.)

Section 1 (2) of the Coal-Mining (Subsidence) Act, 1950, provides for the application of that Act to dwelling-houses having a rateable value not exceeding £32 (so far as it applies to England and Wales), but the Minister of Fuel and Power, with the approval of the Treasury, may substitute a higher or lower figure having regard to any changes in the valuation of premises for rating purposes. By this order the Minister substitutes the figure of £50 having regard to the revaluation of dwelling-houses in England and Wales under the provisions of the Local Government Act, 1948, as amended by the Valuation for Rating Act, 1953.

1956 No. 623

The Coal Industry (Workmen's Compensation Liabilities) (Compensation Trusts) Order, 1956

Made - - - -	*24th April*, 1956
Coming into Operation	*7th May*, 1956

At the Court at Buckingham Palace, the 24th day of April, 1956

Present,

The Queen's Most Excellent Majesty in Council

Whereas by subsection (1) of section five of the Coal Industry Act, 1949(a), it is provided that if it appears to Her Majesty in Council that arrangements have been made between the National Coal Board (in this Order referred to as "the Board") and a person who at any time before the primary vesting date was the owner of an interest in property that vested in the Board under the Coal Industry Nationalisation Act, 1946(b), for the assumption by the Board of all or any of the workmen's compensation liabilities of that person, She may by Order in Council provide for the enforcement of the liabilities to which the arrangements relate against the Board instead of against that person as if the employment out of which the liabilities arise had been employment by the Board instead of by that or some other person and, in connection therewith, for conferring on the Board the rights and remedies which that person would have had in respect of the liabilities if they had remained enforceable against that person;

And Whereas by subsection (2) of the said section five, it is provided that where the discharge of a workmen's compensation liability which, by virtue of an Order in Council under the said subsection (1) is rendered enforceable against the Board is secured by virtue of a compensation trust, the Order may extinguish the liability of the trustees under the trust to make a payment in or towards the discharge of the first-mentioned liability;

(a) 12, 13 & 14 Geo. 6. c. 53. (b) 9 & 10 Geo. 6. c. 59.

And Whereas it appears to Her Majesty in Council that arrangements have been made between the Board and persons who at some time before the primary vesting date were the owners of interests in property that vested in the Board under the said Coal Industry Nationalisation Act, 1946, and who are hereinafter specified, for the assumption by the Board of the workmen's compensation liabilities hereinafter described;

Now, therefore, Her Majesty, in exercise of the powers conferred on Her as aforesaid and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) The liabilities in respect of which arrangements have been made and to which this Order applies are workmen's compensation liabilities of—

(*a*) former owners specified in the first part of the first schedule to this Order and, in so far as the liabilities arise out of employment of the workmen specified in the second part of that schedule, the former owner specified in that part, being liabilities—

(i) enforceable by the workmen, their legal personal representatives or their dependants or others to whom or for whose benefit compensation is payable;

(ii) arising out of employment in connection with vested premises; and

(iii) secured by virtue of a compensation trust specified in either of those parts in relation to the former owner so specified;

(*b*) former owners specified in the first part of the second schedule to this Order, being liabilities—

(i) enforceable by the workmen, their legal personal representatives or their dependants or others to whom or for whose benefit compensation is payable;

(ii) arising out of employment in connection with vested premises; and

(iii) which were not secured by virtue of a compensation trust and against which the former owner was not insured under a contract of insurance;

so however that this sub-paragraph shall exclude any liability described in the second part of that schedule.

(2) The liabilities to which this Order applies shall be enforceable against the Board instead of against the former owners as if the employment out of which the liabilities arose had been employment by the Board instead of by a former owner or some other person.

(3) The Board shall have the rights and remedies which the former owners would have had in respect of the liabilities to which this Order applies if they had remained enforceable against the former owners.

2. The liabilities of the trustees under any of the compensation trusts specified in either part of the said first schedule to make payments in or towards the discharge of workmen's compensation liabilities which, by virtue of this Order, are rendered enforceable against the Board, are hereby extinguished.

3.—(1) *In this* Order, the following expressions have the meanings hereby assigned *to them* respectively—

" the Board " means the National Coal Board ;

" former owner " means a person who at any time before the primary vesting date was the owner of an interest in property that vested in the Board under the Coal Industry Nationalisation Act, 1946 ;

" vested premises " means premises in which an interest (whether of a former owner or not) vested in the Board under the Coal Industry Nationalisation Act, 1946.

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

4. This Order shall come into operation on the seventh day of May, nineteen hundred and fifty-six, and may be cited as the Coal Industry (Workmen's Compensation Liabilities) (Compensation Trusts) Order, 1956.

W. G. Agnew.

FIRST SCHEDULE Art. 1

PART I

Former owner	Compensation trust
Brynhenllys Anthracite Colliery Limited.	The trust expressed by deed executed between the company and the trustees there named on the 1st day of January, 1935.
C. & E. Collieries Limited	The trust expressed by deed executed between the company and the trustees there named on the 27th day of November, 1936.
Evans and Bevan Limited	The trust expressed by deed executed between the company and the trustees there named on the 23rd day of December, 1938.
Glyn Tillery Colliery Company Limited.	The trust expressed by deed executed between the company and the trustees there named on the 28th day of February, 1935.
Graigola Merthyr Company Limited.	The trust expressed by deed executed between The Graigola Merthyr Company Limited and the trustees there named on the 22nd day of December, 1934. The trust expressed by deed executed between Graigola Merthyr Company Limited and the trustees there named on the 3rd day of January, 1938.
New Mells Colliery Company Limited.	The trust expressed by deed executed between Mells Coal Industry Limited and the trustees there named on the 30th day of December, 1935. The trust expressed by deed executed between Mells Coal Industry Limited, New Mells Colliery Company Limited and the trustees there named on the 25th day of January, 1938.
Tareni Colliery Company Limited.	The trust expressed by deed executed between the company and the trustees there named on the 28th day of December, 1934.

(a) 52 & 53 Vict. c. 63.

PART II

Former owner	Workman in respect of whose employment liability transferred	Compensation trust
Daren Colliery Company Limited.	E. Williams D. Morgan E. H. Phillips T. Bater	The trust expressed by deed executed between the company and the trustees there named on the 16th day of November, 1945.

SECOND SCHEDULE

Art. 1

PART I

Former owners

C. & E. Collieries Limited.
Evans and Bevan Limited.
Glyn Tillery Colliery Company Limited.
Morris and Shaw Limited.
New Mells Colliery Company Limited.
Tareni Colliery Company Limited.

PART II

Former owner	Liability excluded
Morris and Shaw Limited.	Liability arising out of employment of G. W. Clamp.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

By section 5 of the Coal Industry Act, 1949, workmen's compensation liabilities of owners of interests in property that vested in the National Coal Board under the Coal Industry Nationalisation Act, 1946, may be transferred by Order in Council from the former owners to the Board, if arrangements have been made between them, and where the discharge of any such liabilities which are so transferred is secured by a compensation trust, the Order may extinguish the liabilities of the trustees under that trust to make compensation payments to workmen.

Arrangements having been made between the National Coal Board and the former owners specified in the schedules to the Order, this Order transfers to the Board the workmen's compensation liabilities which are the subject of the arrangements and are described in article one. It also extinguishes the liabilities of the trustees under such trusts to make payments in discharge of workmen's compensation liabilites transferred by the Order to the Board.