COAL INDUSTRY

COMPENSATION

The Coal Industry (Workmen's Compensation Liabilities) (Durham) Order, 1951

1951 No. 1387

Made - - - - 1*st August*, 1951
Coming into Operation 15*th August*, 1951

At the Court at Buckingham Palace, the 1st day of August, 1951

Present,

The King'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 His Majesty in Council that arrangements have been made—

(*a*) between the National Coal Board (hereinafter 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; or

(*b*) between the Board and a mutual indemnity association of which any such person as aforesaid is, or was at any time, a member, for the assumption by the Board of all or any of such of the liabilities of the association under a contract of insurance entered into between them and any person (whether such a person as aforesaid or not) whereby he is or was insured against workmen's compensation liabilities to any workmen as, by virtue of the happening of any of the events mentioned in subsection (1) of section seven of the Workmen's Compensation Act, 1925(**c**) (which relates to bankruptcy, the winding up of companies, etc.), are enforceable against the association by the workmen, their legal personal representatives or their dependants or others to whom or for whose benefit compensation is payable;

He 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 or, as the case may be, the association, as if the employment out of which the liabilities arise had been employment by the Board instead of by that or some other person or, as the case may be, the Board had subscribed the contract instead of the association and, in connection therewith, for conferring on the Board the rights and remedies which that person or, as the case may be, the association would have had in respect of the liabilities if they had remained enforceable against that person or, as the case may be, the association;

And Whereas by subsection (4) of the said section five it is provided that an Order in Council under that section may contain such incidental and

(**a**) 12, 13 & 14 Geo. 6. c. 53. (**b**) 9 & 10 Geo. 6. c. 59. (**c**) 15 & 16 Geo. 5. c. 84.

supplementary provisions as appear to His Majesty in Council to be requisite or expedient for the purposes of the Order, and without prejudice to the generality of the foregoing provision, where an Order in Council under that section makes provision for rendering enforceable against the Board any liabilities of the Durham Colliery Owners' Mutual Protection Association (hereinafter referred to as " the Association "), it may make such provision with respect to the exercise of all or any of the powers conferred by any order under paragraph (16) of the Second Schedule to the Workmen's Compensation Act, 1906(a) on a committee representative of the Association and an association of workmen as appears to His Majesty in Council to be requisite or expedient having regard to the provisions of the Order in Council ;

And Whereas it appears to His Majesty in Council that arrangements have been made—

(*a*) between the Board and persons who 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 or were members of the Association for the assumption by the Board of the workmen's compensation liabilities hereinafter described, and

(*b*) between the Board and the Association for the assumption by the Board of such of the liabilities mentioned in subsection (1) (*b*) of the said section five of the Association as are hereinafter described ;

And Whereas the orders specified in the first column of the first schedule hereto have been made under the said paragraph (16), each of which orders conferred the powers therein contained on the committee (hereinafter referred to as " the old committee ") specified against such order in the second column of that schedule, being a committee representative of the Association and an association of workmen ;

And Whereas, in pursuance of the powers conferred by the said orders, certain sums have been paid to each of the old committees or to the trustees appointed by them, and have been invested, applied or otherwise dealt with so that part of the sums so paid (being payments of compensation due in respect of the deaths of workmen or payments made on the redemption of supplementary allowances in respect of children) or the investments representing the same (hereinafter together referred to as " the existing accounts ") are held by such old committees or trustees for the benefit of the persons entitled thereto ;

And Whereas the committees specified in the third column of the said schedule (being committees representative of the Board and associations of workmen) have been constituted for the purposes hereinafter in this Order appearing ;

And Whereas it appears requisite and expedient to make the provisions hereinafter in this Order appearing ;

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

Transfer of workmen's compensation liabilities

1.—(1) The liabilities in respect of which arrangements have been made and to which this article applies are : —

(*a*) workmen's compensation liabilities of persons specified in the second schedule hereto (being persons who before the primary vesting date were owners of interests in property that vested in the Board under

(a) 6 Edw. 7. c. 58.

the Coal Industry Nationalisation Act, 1946, and who are or were members of the Association and who are hereinafter referred to as " former owners ") 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, and

(ii) arising out of employment in connection with premises an interest in which vested in the Board under the said Act, so however that this sub-paragraph shall not exclude any liability of a former owner specified in the third schedule hereto arising out of the employment of a person so specified in relation to that former owner ;

(*b*) such liabilities of the Association under a contract of insurance entered into between them and any former owner whereby he is or was insured against workmen's compensation liabilities to any workmen as, by virtue of the happening of any of the events mentioned in subsection (1) of section seven of the Workmen's Compensation Act, 1925, are enforceable against the Association by the workmen, their legal personal representatives or their dependants or others to whom or for whose benefit compensation is payable ; and

(*c*) such liabilities of the Association under a contract of insurance entered into between them and the Brancepeth Gas and Coke (Strakers & Love) Ltd. whereby that company is or was insured against workmen's compensation liabilities to any workman as, by virtue of the happening of an event mentioned in subsection (1) of section seven of the Workmen's Compensation Act, 1925, are enforceable against the Association by J. C. Failes, J. H. Booth, G. T. Frame, J. W. Dent, their legal personal representatives or their dependants or others to whom or for whose benefit compensation arising out of the employment of those persons is payable ;

but this article shall not apply to any liability of a former owner specified in the fourth schedule hereto which was not comprised in a contract of insurance entered into between that company and the Association.

(2) The liabilities to which this article applies shall be enforceable against the Board instead of against the former owners or the Association as if the employment out of which the liabilities arose had been employment by the Board instead of by a former owner or, as the case may be, the Board had subscribed the contract of insurance instead of the Association.

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

Transfer of functions of committees

2.—(1) The existing accounts of each old committee shall be made up as at the date on which this Order comes into operation (hereinafter referred to as " the transfer date ") and shall be certified by the trustees appointed by that committee.

(2) As from the transfer date, all the powers of each old committee under the order specified against such committee in the first column of the first schedule hereto shall be transferred to the corresponding new committee specified against that old committee in the third column of that schedule in so far as such powers relate to the investment, application or other dealing with the existing accounts or to the variation of the orders or awards made by the old committee in respect of those accounts.

(3) The property in and right to possession of all the books, records, accounts and other documents of each old committee and all interest of each old committee in the existing accounts shall vest in the corresponding new committee by virtue of this paragraph.

(4) The existing trustees appointed by each old committee shall, unless they retire or are replaced, continue to act subject to the control of the corresponding new committee, and the corresponding new committee shall have power to appoint new trustees either in substitution for or in addition to the existing trustees.

(5) The existing accounts dealt with by each old committee shall be dealt with by the corresponding new committee for the benefit of the persons entitled thereto subject to the terms set out respectively in the orders or awards made by the old committee in respect of such accounts or to any variations of such terms made in accordance with the powers transferred by this article.

(6) Any old committee shall, on the request of the corresponding new committee, execute and do all such lawful assurances and things as may be necessary for perfecting the title of the corresponding new committee to any of the assets or otherwise for securing the transfer of any of the powers transferred by virtue of this article.

(7) All the powers (other than the powers transferred by this article) conferred on any old committee by the order specified in the first column of the said schedule against that committee shall as from the transfer date cease to be exercisable by the old committee.

3. 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 fifteenth day of August, nineteen hundred and fifty-one, and may be cited as the Coal Industry (Workmen's Compensation Liabilities) (Durham) Order, 1951.

F. J. Fernau.

FIRST SCHEDULE — Article 2

Orders made under paragraph (16) of the Second Schedule to the Workmen's Compensation Act, 1906, conferring powers on certain committees	*Old committees on which powers conferred*	*New committees*
Order, dated June 25th, 1907, conferring powers on a committee representative of the Durham Colliery Owners' Mutual Protection Association and Durham Miners' Association.	The Arbitration Committee of the Durham Colliery Owners' Mutual Protection Association and the Durham Miners' Association.	The National Coal Board (Durham Division) and the National Union of Mineworkers (Durham Area) Joint Workmen's Compensation Arbitration Committee.
Order, dated May 1st, 1908, conferring powers on a committee representative of the Durham Colliery Owners' Mutual Protection Association and Durham Cokemen's Association.	The Arbitration Committee of the Durham Colliery Owners' Mutual Protection Association and the Durham Cokemen's Association.	The National Coal Board (Durham Division) and the National Union of Mineworkers (Cokemen's Area) Joint Workmen's Compensation Arbitration Committee.

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

Orders made under paragraph (16) of the Second Schedule to the Workman's Compensation Act, 1906, conferring powers on certain committees	*Old committees on which powers conferred*	*New committees*
Order, dated May 1st, 1908, conferring powers on a committee representative of the Durham Colliery Owners' Mutual Protection Association and Durham County Colliery Enginemen's and Boiler Minders' Association.	The Arbitration Committee of the Durham Colliery Owners' Mutual Protection Association and the Durham County Colliery Enginemen's and Boiler Minders' Association.	The National Coal Board (Durham Division) and the National Union of Mineworkers (Durham Enginemen Group No. 1 Area) Joint Workmen's Compensation Arbitration Committee.
Order, dated May 1st, 1908, conferring powers on a committee representative of the Durham Colliery Owners' Mutual Protection Association and Durham Colliery Mechanics' Association.	The Arbitration Committee of the Durham Colliery Owners' Mutual Protection Association and the Durham Colliery Mechanics' Association.	The National Coal Board (Durham Division) and the National Union of Mineworkers (Durham Mechanics' Group No. 1 Area) Joint Workmen's Compensation Arbitration Committee.
Order, dated May 1st, 1908, conferring powers on a committee representative of the Durham Colliery Owners' Mutual Protection Association and Durham Deputies' Mutual Aid Association.	The Arbitration Committee of the Durham Colliery Owners' Mutual Protection Association and the Durham Deputies' Mutual Aid Association.	The National Coal Board (Durham Division) and the National Association of Colliery Overmen Deputies and Shotfirers (Durham Area) Joint Workmen's Compensation Arbitration Committee.

SECOND SCHEDULE

Article 1

Former owners who are or were members of the Association

Bearpark Coal and Coke Company Limited
Charlaw and Sacriston Collieries Company Limited
Consett Iron Company Limited
Dorman, Long and Company Limited
Dunston Garesfield Collieries Limited
Easington Coal Company Limited
East Hetton Collieries Limited
Ferens and Love (1937) Limited
Hamsterley Colliery Limited
Harton Coal Company Limited
Henry Stobart and Company Limited
Heworth Coal Company Limited
Holmside and South Moor Collieries Limited
Horden Collieries Limited
John Bowes and Partners Limited
Lambton, Hetton and Joicey Collieries Limited
Londonderry Collieries Limited
Mid-Durham Coal Company Limited
New Brancepeth Colliery Company Limited
North Bitchburn Fireclay Company Limited
Pease and Partners Limited
Pelaw Main Collieries Limited
Priestman Collieries Limited
Rainton Colliery Company Limited
Ryhope Coal Company Limited
Sir S. A. Sadler, Limited
South Derwent Coal Company Limited
South Garesfield Colliery Company Limited
South Hetton Coal Company Limited
South Medomsley Colliery Company Limited
South Pelaw Coal Company Limited
Stella Coal Company Limited
Strakers and Love, Limited
Trimdon Coal Company Limited
Washington Coal Company Limited
Weardale Steel, Coal and Coke Company Limited
Wearmouth Coal Company Limited
Wingate Coal Company Limited

THIRD SCHEDULE

Article 1

Former owners	*Workman*
Dorman, Long and Company Limited	P. Taylor J. Scurr H. Johns J. W. Southall
Pease and Partners Limited	R. Foster W. Benson H. Tacon J. W. Richardson T. W. Davidson
Priestman Collieries Limited	S. Woods
Strakers and Love, Limited	G. A. Armin G. W. Lambert
Weardale Steel, Coal and Coke Company Limited	J. D. Pattinson I. Dodd

FOURTH SCHEDULE

Article 1

Dunston Garesfield Collieries Limited
Ferens and Love (1937) Limited
North Bitchburn Fireclay Company Limited

EXPLANATORY NOTE

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

Section 5 of the Coal Industry Act, 1949, enables workmen's compensation liabilities of owners of property that vested in the National Coal Board under the Coal Industry Nationalisation Act, 1946, and certain liabilities of mutual indemnity associations arising by virtue of section 7 of the Workmen's Compensation Act, 1925, to be transferred from the former owners or mutual indemnity associations, as the case may be, to the Board in pursuance of arrangements made between them.

Such arrangements having been made between the National Coal Board and certain former owners who were members of the Durham Colliery Owners' Mutual Protection Association and the Association this Order transfers to the Board the workmen's compensation liabilities which are the subject of the arrangements and are described in article 1.

There are five committees representative of the Association and workmen upon which powers of administration of certain payments of compensation were conferred by orders of the Secretary of State under paragraph (16) of the Second Schedule to the Workmen's Compensation Act, 1906. In pursuance of subsection (4) of section 5 of the Coal Industry Act, 1949, this Order in article 2 provides for the transfer of the functions of those committees to new committees representative of the National Coal Board and associations of workmen.