1954 No. 1042

The Coal Industry (Workmen's Compensation Liabilities) (Mutual Indemnity Companies) Order, 1954

Made - - - - 30*th July*, 1954
Coming into Operation 16*th August*, 1954

At the Court at Arundel Castle, the 30th day of July, 1954

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—

(*a*) 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 ; 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 ;

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 or, as the case may be, the association, as if the employment out of which the liabilities arose 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 ;

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

And whereas it appears to Her 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 hereinafter specified for the assumption by the Board of the workmen's compensation liabilities hereinafter described, and

(*b*) between the Board and the mutual indemnity associations hereinafter specified for the assumption by the Board of such of the liabilities mentioned in subsection (1) (*b*) of the said section five of those associations as are 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 article applies are:—

(*a*) the workmen's compensation liabilities of owners of interests described in paragraph (2) of this article ;

(*b*) the workmen's compensation liabilities of mutual indemnity associations described in paragraph (3) of this article.

(2) The workmen's compensation liabilities referred to in sub-paragraph (*a*) of the foregoing paragraph are workmen's compensation liabilities of—

(*a*) former owners specified in the first part of the first schedule to this Order, who are or were members of the mutual indemnity association so specified in relation to those 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 ;

(ii) arising out of employment in connection with vested premises, so however that this sub-paragraph shall exclude the liability described in the second part of that schedule ; and

(iii) comprised in a contract of insurance entered into between a former owner and the mutual indemnity association specified in relation to that former owner in the said first part of the first schedule ;

(*b*) former owners specified in the first part of the second 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, former owners 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) against which the former owner was not insured under a contract of insurance subscribed by a mutual indemnity association or by a person other than a mutual indemnity association.

(3) The workmen's compensation liabilities of mutual indemnity associations referred to in sub-paragraph (*b*) of paragraph (1) are—

(*a*) such liabilities arising out of employment in connection with vested premises of either of the mutual indemnity associations specified in the said first part of the first schedule under a contract of insurance entered into between them and any former owner so specified in relation to that association 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 that association by the workmen, their legal personal representatives or their dependants or others to whom or for whose benefit compensation is payable;

(*b*) such liabilities described in the third schedule to this Order of any of the mutual indemnity associations specified in that schedule under a contract of insurance entered into between them and a person so specified in relation to that association 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 that association by the workmen, their legal personal representatives or their dependants or others to whom or for whose benefit compensation is payable.

(4) The liabilities to which this article applies shall be enforceable against the Board instead of against the former owners or the mutual indemnity associations 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.

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

2.—(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.

3. This Order shall come into operation on the sixteenth day of August, nineteen hundred and fifty-four, and may be cited as the Coal Industry (Workmen's Compensation Liabilities) (Mutual Indemnity Companies) Order, 1954.

W. G. Agnew.

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

FIRST SCHEDULE

Art. 1.

PART I

Former owners	Mutual Indemnity Association
Cumberland Coal Owners Association ...	Cumberland Coal Owners' Mutual Insurance Company Limited
Moresby Coal Company Limited ...	" "
Risehow Colliery, Coking and By-Product Company Limited	" "
St. Helen's Colliery and Brickworks Company Limited	" "
United Steel Companies Limited	" "
Coking Company Limited	North Staffordshire Collieries Mutual Indemnity Limited
Shelton Iron, Steel and Coal Company Limited	" "
Stafford Coal and Iron Company Limited	" "

PART II

Former owner	Liability excluded
United Steel Companies Limited	Liability arising out of employment at Harrington No. 5 pit

SECOND SCHEDULE

Art. 1.

PART I

Former owners

Berry Hill Collieries Limited
Bignall Hill Colliery Company Limited
Brereton Collieries Limited
Cannock and Leacroft Colliery Company Limited
Chatterley-Whitfield Collieries Limited
Coalpit Heath Company Limited
Coking Company Limited
Dunston Garesfield Collieries Limited
Fenton Collieries Limited
Foxfield Colliery Limited (formerly known as Park Hall Colliery Company Limited)
Holditch Mines Limited
Llay Hall Colliery Company Limited
Llay Main Collieries Limited
Madeley Collieries Limited
Madeley Wood Company Limited
Mossfield Colliery Limited

Norton and Biddulph Collieries Limited
Parkhouse Collieries Limited
Shelton Iron, Steel and Coal Company Limited
Sherwood Colliery Company Limited
Sneyd Collieries Limited
Stafford Coal and Iron Company Limited
Throckley Coal Company Limited
W. Y. Craig and Sons Limited
Wolstanton Limited

PART II

Former owners	Workman in respect of whose employment liability transferred
Desford Coal Company Limited	J. R. Gough and F. Bateman
East Cannock Colliery Company Limited	W. Lockley, C. Capewell, H. Arthrell, R. Jones, J. Bate and W. Waldron
J. and G. Wells Limited	A. V. Thompson
Morris and Shaw Limited	J. Oxford

THIRD SCHEDULE Art. 1.

Mutual Indemnity Association	Person with whom contract of insurance entered into	Liability transferred
Cumberland Coal Owners' Mutual Insurance Company Limited	Allerdale Coal Company Limited ...	Liability arising out of employment in connection with vested premises
	Birkby Coal Company Limited ...	,, ,,
	Coltness Holdings Limited (formerly known as Coltness Iron Company Limited)	,, ,,
	Cumberland Coal Company (Whitehaven) Limited	,, ,,
	Oughterside Coal Company Limited ...	,, ,,
	Prospect Coal and Brick Company Limited	,, ,,
	Westmoor Colliery Company Limited	,, ,,
	Whitehaven Collieries Limited (formerly known as Priestman Whitehaven Collieries Limited)	,, ,,
Forest of Dean Employers' Mutual Indemnity Society Limited	Foxes Bridge Colliery Company Limited	,, ,,
	Henry Crawshay and Company Limited	,, ,,
	Lydney and Crump Meadow Collieries Company Limited	,, ,,
	New Trafalgar Colliery Limited ...	,, ,,
	Parkend Deep Navigation Collieries Limited	,, ,,
	Princess Royal Colliery Company Limited	,, ,,
	Trafalgar Colliery Company Limited ...	,, ,,
Midland Colliery Owners' Mutual Indemnity Company Limited	Kingsbury Brick and Tile Works Limited	Liability arising out of employment in connection with any premises

Mutual Indemnity Association	Person with whom contract of insurance entered into	Liability transferred
North Staffordshire Collieries Mutual Indemnity Limited	Berry Hill Collieries Limited	Liability arising out of employment in connection with vested premises
	Bignall Hill Colliery Company Limited	,, ,,
	Chatterley-Whitfield Collieries Limited	,, ,,
	Fenton Collieries Limited	,, ,,
	Foxfield Colliery Limited (formerly known as Park Hall Colliery Company Limited)	,, ,,
	Glasshouse Colliery Company Limited	,, ,,
	Holditch Mines Limited	,, ,,
	Madeley Collieries Limited	,, ,,
	Mossfield Colliery Limited	,, ,,
	Norton and Biddulph Collieries Limited	,, ,,
	Parkhouse Collieries Limited	,, ,,
	Sneyd Collieries Limited	,, ,,
	Stirrup and Pye Limited	,, ,,
	Wolstanton Limited	,, ,,
North Wales Employers' Mutual Indemnity Company Limited	Black Park Colliery Company Limited	,, ,,
	Broughton and Plas Power Coal Company Limited	,, ,,
	Brymbo Steel Company Limited ...	,, ,,
	Brynmally Colliery Company Limited	,, ,,
	Cefn-y-bedd Colliery Company Limited	,, ,,
	Coed Talon Colliery Company Limited	,, ,,
	Glascoed Colliery Company Limited ...	,, ,,
	Llay Main Collieries Limited	,, ,,
	New Broughton Colliery Company Limited	,, ,,
	New Brynmally Colliery Company Limited	,, ,,
	New Flint Coal and Cannell Company Limited	,, ,,
	New Flint Colliery Company Limited	,, ,,
	Phoenix Coal and Cannell Company Limited	,, ,,
	Ruabon Coal and Coke Company Limited	,, ,,
	Sandycroft Brick, Tile and Colliery Company Limited	,, ,,
	United Westminster and Wrexham Collieries Limited	,, ,,
	Vauxhall Colliery Company Limited ...	,, ,,
	Vron Colliery Limited	,, ,,
	W. Y. Craig and Sons Limited ...	,, ,,
	Waen and Nerquis Collieries Limited	,, ,,
	Westminster Brymbo Coal and Coke Company Limited	,, ,,
	Westminster Colliery Company Limited	,, ,,
	Wrexham and Acton Collieries Company Limited	,, ,,
	Wrexham Colliery Company Limited	,, ,,
	Wynnstay Collieries Limited	,, ,,

EXPLANATORY NOTE

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

Section 5 of the Coal Industry Act, 1949, provides that workmen's compensation liabilities of owners of interests in 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, may be transferred by Order in Council from the former owners or mutual indemnity associations, as the case may be, to the Board, if arrangements have been made between them.

Arrangements having been made between the National Coal Board and the former owners specified in schedules 1 and 2 and between the Board and the mutual indemnity companies specified in schedule 3, this Order transfers to the Board the workmen's compensation liabilities which are the subject of the arrangements and are described in article 1.

1954 No. 1456

The Coal Industry Nationalisation (Borrowing Powers) Order, 1954

Made - - - - 4*th November*, 1954
Coming into Operation 5*th November*, 1954

Whereas a draft of the following order has been laid before the Commons House of Parliament:

And Whereas that House has by resolution approved the said draft:

Now, therefore, the Minister of Fuel and Power, in exercise of the powers conferred upon him by section twenty-six of the Coal Industry Nationalisation Act, 1946(**a**), as amended by section one of the Coal Industry Act, 1951(**b**), and of all other powers him enabling, hereby makes the following order:—

1. The aggregate amount of the advances which may be made under the said section twenty-six (as amended) by the Minister to the National Coal Board in the financial year which ends on the thirty-first day of March, nineteen hundred and fifty-five, shall not exceed £75m.

2. This order shall come into operation on the day after the date hereof, and may be cited as the Coal Industry Nationalisation (Borrowing Powers) Order, 1954.

Dated this fourth day of November, nineteen hundred and fifty-four.

Geoffrey Lloyd,
Minister of Fuel and Power.

(**a**) 9 & 10 Geo. 6. c. 59. (**b**) 14 & 15 Geo. 6. c. 41.