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

1951 No. 1796

Made - - - - 4*th October,* 1951
Coming into Operation 18*th October,* 1951

At the Court of Saint James, the 4th day of October, 1951

Present,

Her Majesty The Queen **Her Royal Highness The Princess Elizabeth**

Lord Chancellor
Lord President
Mr. Secretary Ede
Sir Alan Lascelles

Whereas His Majesty, in pursuance of the Regency Acts, 1937 and 1943, was pleased, by Letters Patent dated the Twenty-seventh day of September, 1951, to delegate and grant unto Her Majesty The Queen, Her Royal Highness The Princess Elizabeth Duchess of Edinburgh, Lady of the Most Noble Order of the Garter, C.I., Her Royal Highness The Princess Margaret, C.I., His Royal Highness The Duke of Gloucester, K.G., K.T., K.P., G.M.B., G.C.M.G., G.C.V.O., and Her Royal Highness The Princess Royal, C.I., G.C.V.O., G.B.E., or any two of them, as Counsellors of State, full power and authority during the period of His Majesty's illness to summon and hold on His Majesty's behalf His Privy Council and to signify thereat His Majesty's approval of any matter or thing to which His Majesty's approval in Council is required:

And 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

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

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 it appears to Her Majesty The Queen and Her Royal Highness The Princess Elizabeth 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 Northumberland Coal Owners' Mutual Protection Association (hereinafter referred to as "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;

Now, therefore, Her Majesty The Queen and Her Royal Highness The Princess Elizabeth, being authorized thereto by the said Letters Patent, in exercise of the powers conferred as aforesaid and of all other powers in that behalf, do hereby, by and with the advice of His Majesty's Privy Council, on His Majesty's behalf order, and it is hereby ordered, as follows:—

Transfer of workmen's compensation liabilities

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

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

(*b*) such liabilities of the Association 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 them by the workmen, or their legal personal representatives or their dependants or others to whom or for whose benefit compensation is payable, being liabilities under any contract of insurance entered into between the Association and a former owner or between the Association and the Elswick Coal Company Limited whereby that owner or that company, as the case may be, is or was insured against workmen's compensation liabilities to any workmen.

2.—(1) The liabilities to which this Order 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.

(2) 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.

Citation and Interpretation

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 18th day of October, nineteen hundred and fifty-one, and may be cited as the Coal Industry (Workmen's Compensation Liabilities) (Northumberland) Order, 1951.

F. J. Fernau.

SCHEDULE Article 1.

Former owners

Acomb Coal Company Limited
Ashington Coal Company Limited
Backworth Collieries Limited
Bedlington Coal Company Limited
Broomhill Collieries Limited
Co-operative Wholesale Society Limited
Cowpen Coal Company Limited
Hazlerigg and Burradon Coal Company Limited
Mickley Coal Company Limited
Netherton Coal Company Limited
Newbiggin Colliery Company Limited
Owners of Bentinck West Hartley Colliery Limited
Seghill Colliery Limited
Stobswood Coal Company Limited
Wallsend and Hebburn Coal Company Limited
William Benson and Son 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, to be transferred by Order in Council from the former owners to the Board, where arrangements have been made for the assumption of those liabilities by the Board. Where such former owners were members of a mutual indemnity association, and workmen's compensation liabilities either of those owners or of other members of the association, have become enforceable against the association by virtue of sec. 7 of the Workmen's Compensation Act, 1925, those liabilities may, if arrangements have been made between the Board and the association for the Board to assume them, be similarly transferred.

This Order transfers to the Board, in pursuance of such arrangements, certain workmen's compensation liabilities of the former owners mentioned in the schedule to the Order, who were all members of the Northumberland Coal Owners' Mutual Protection Association and also such liabilities of the association under contracts of insurance made with the former owners, or with another company who were also insured, as have become enforceable against the association.

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