1957 No. 1075

The Coal Industry (Workmen's Compensation Liabilities) (Scotland) Order, 1957

Made - - - - 24*th June*, 1957
Coming into Operation 8*th July*, 1957

At the Court at Buckingham Palace, the 24th day of June, 1957

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;

And whereas it appears to Her Majesty in Council that arrangements have been made—

(*a*) between the Board and persons who at some time before the primary vesting date were the owners of interests in property that vested

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

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 former owners specified in the first part of the first 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; and

(ii) 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, so however that this sub-paragraph shall not exclude any liability of the former owner specified in the second part of that schedule arising out of employment of the workmen so specified against which he 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 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; and

(*b*) such liabilities of either of the mutual indemnity associations specified in the first part of the second schedule to this Order 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, so however that this sub-paragraph shall exclude any liability described in the second part of that schedule.

(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.

(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 eighth day of July, nineteen hundred and fifty-seven, and may be cited as the Coal Industry (Workmen's Compensation Liabilities) (Scotland) Order, 1957.

W. G. Agnew.

FIRST SCHEDULE Art. 1.

PART I

Former Owners	Mutual Indemnity Association
A. Finnie and Son	Ayrshire Employers' Mutual Insurance Association Limited.
A. Kenneth and Sons Limited ...	" "
Anderson and Gilmour	" "
Auchincruive Coal Company ...	" "
Balgray Bauxite Company	" "
Barrmains Coal Company	" "
Bourtreehill Coal Company Limited	" "
Coylton Coal Company	" "
G. Taylor and Company	" "
Gauchalland Coal Company ...	" "
Gilmour Anderson and Company ...	" "
J. & R. Howie Limited	" "
J. Gibson	" "
J. Gray	" "

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

Former Owners	Mutual Indemnity Association
J. I. McConnel	Ayrshire Employers' Mutual Insurance Association Limited.
Lochwood Coal Company Limited ...	" "
Mansfield Coal Company	" "
New Bank Coal Company	" "
New Cumnock Collieries Limited ...	" "
Rankinston Coal Company Limited	" "
Sanquhar and Kirkconnel Collieries Limited.	" "
Walkers (Glasgow) Limited (formerly known as Westfield Anthracite Coal Company Limited).	" "
William Nicol Limited	" "
A. and G. Anderson	Scottish Mine Owners' Defence and Mutual Insurance Association Limited.
A. and G. Anderson Limited ...	" "
A. Frew and Company	" "
A. G. Moore and Company ...	" "
A. White and Company	" "
Allanshaw Coal Company	" "
Alloa Coal Company	" "
Ardenrigg Coal Company	" "
Auchinlea Quarries and Brickworks Limited.	" "
Avonhead Colliery Company ...	" "
Bairds and Scottish Steel Limited (formerly known as Scottish Iron and Steel Company Limited).	" "
Balgonie Colliery Company ...	" "
Balgonie Estates Limited (formerly known as Balgonie Colliery Company Limited).	" "
Bankpark Coal Company	" "
Barnsmuir Coal Company	" "
Barr and Higgins	" "
Barr and Thornton	" "
Bellsdyke Coal Company	" "
Brand and Company	" "
Bridgeness Coal Company	" "
Brownieside Coal Company Limited	" "
Buckinghamshire, The Right Hon. J. H. Mercer-Henderson, The Earl of.	" "
C. Dunlop and Company	" "
Carriden Coal Company	" "
Carron Company	" "
Climpy Coal Company	" "
Colvilles Limited	" "
Dalmacoulter and Loanhead Collieries Company.	" "
Donibristle Coal Company	" "
Dundonald Collieries	" "
Dunn Brothers	" "
Eastrigg Coal Company	" "
F. Danks	" "

Former Owners	Mutual Indemnity Association
Fence Coal Company	Scottish Mine Owners' Mutual Insurance Defence and Association Limited.
Ferrier and Strain	" "
Fife and Clackmannan Coal Owners Association.	" "
G. Barr	" "
G. Burt and Company	" "
G. Crookston and Sons	" "
G. Miller and Sons	" "
Garscube Colliery Company Limited	" "
Gavin Paul and Sons Limited ...	" "
Glasgow Iron and Steel Company Limited.	" "
H. M. Cadell	" "
Hareshaw Coal Company	" "
Haywood Coal Company	" "
Haywood Gas Coal Company ...	" "
J. & A. F. Wallace	" "
J. A. McCallum	" "
J. Burns and Sons	" "
J. C. Kennedy	" "
J. Gemmell	" "
J. Horn and Company	" "
J. Irvine and Sons	" "
J. Leggatt and Sons	" "
J. Logan and Sons	" "
J. McAndrew and Company ...	" "
J. Scobbie and Company	" "
John Watson Limited	" "
Kerr and Mitchell	" "
Kirkhill Colliery Company (formerly known as Kirkhill Coal Company).	" "
Kirkwood Coal Company	" "
Lanarkshire Coal Masters Association	" "
Lochside Coal and Fire Clay Company Limited.	" "
Machan Coal Company	" "
Marshall and Hunter	" "
Meadowhead Coal Company ...	" "
Merryton Coal Company	" "
Netherburn Coal Company	" "
P. Cairns	" "
P. Thornton	" "
Pumpherston Oil Company Limited	" "
R. Forrester and Company	" "
R. Swann	" "
Souterhouse Collieries Company ...	" "
Stewarts and Lloyds Limited ...	" "
Strain Brothers	" "
The trustees of T. Barr	" "
The trustees of The Rt. Hon. G. W. Mercer-Henderson, Countess of Buckinghamshire.	" "
W. Barr and Sons	" "
W. Black	" "
W. Hudspeth and Company ...	" "
W. Riddell	" "
Waddell and Sons	" "

Former Owners	Mutual Indemnity Association
Wallace Brothers	Scottish Mine Owners' Defence and Mutual Insurance Association Limited.
Wemyss Coal Company Limited ...	"
Woodilee Coal and Coke Company ...	"
Woodrigg Coal Company	"
Woodside Coal Company	"

PART II

Former Owner	Workman in respect of whose employment liability transferred
United Collieries Limited	J. Skillen J. Bonnar G. Blaney B. Scally J. Jackson R. Hardie D. Simpson J. Edwards G. Weir J. Grant J. Greig P. Harte E. Waddell J. Hood J. Gallacher J. Bowden P. Bollen R. Abbott

SECOND SCHEDULE

Art. 1.

PART I

Mutual Indemnity Association	Person with whom contract of insurance entered into
Ayrshire Employers' Mutual Insurance Association Limited.	Annandale Brickwork Company. Bairds and Dalmellington Limited. Broadlie Brick Company Limited. Buccleuch Terra Cotta Company Limited. Burnbank and Grougar Coal Company Limited. Cairntable Gas Coal Company Limited. Caprington and Auchlochan Collieries Limited. Dalgain Coal Company Limited.

Mutual Indemnity Association	Person with whom contract of insurance entered into
Ayrshire Employers' Mutual Insurance Association Limited.	Dallars Coal Company Limited (formerly known as Barleith Coal Company Limited). Dalmellington Iron Company Limited. Gilmour Morton and Company Limited. Glengarnock Iron and Steel Company Limited. Hillhouse Quarry Company. J. & M. Craig Limited. J. & M. Craig (Kilmarnock) Limited. J. B. Thorneycroft. John Littlejohn and Sons Limited. Killochan Coal Company Limited. Kilmarnock Trust Limited (formerly known as Southhook Potteries Limited, Southhook and Shawsrigg Fire Clay Company Limited and Southhook Fire Clay Company Limited). Lanemark Coal Company Limited. Merry and Cuninghame Limited. Overton Collieries Limited. Polquhairn Coal Company Limited. South Ayrshire Collieries Limited. South Ayrshire Collieries (1928) Limited. Southhook Potteries Limited (formerly known as Bonnyton Potteries Limited). William Baird and Company Limited.
Scottish Mine Owners' Defence and Mutual Insurance Association Limited.	A. Dunsmuir, Sons and Company. A. Faulds. A. G. Moore and Company Limited (formerly known as Assets Realisation Company of Scotland Limited). Aitkenhead Collieries Limited. Alloa Coal Company Limited. Archibald Russell Limited. Arden Coal Company Limited. Ardenrigg Coal Company Limited. Armadale Coal Company Limited. Arniston Coal Company Limited. Associated Lothian Coal Owners Limited. Auchinlea Coal Company Limited. Avonbridge Coal Company Limited. Balbardie Colliery Company Limited. Ballochney Coal Company Limited. Banknock Coal Company Limited. Bargeddie Coal Company Limited. Barr and Higgins Limited. Barr and Thornton Limited. Baton Collieries Limited. Bent Colliery Company Limited. Blacklands Coal Company Limited.

Mutual Indemnity Association	Person with whom contract of insurance entered into
Scottish Mine Owners' Defence and Mutual Insurance Association Limited.	'Blairadam Coal Company Limited. Boglea Colliery Company Limited. Bogside Colliery Company Limited. Bo'ness Coal Company Limited. Bowhill Coal Company Fife Limited. Bridgeness Company Limited. Burnbank Coal Company (Coatbridge) Limited. Cadzow Coal Company Limited. Cairnhill Coal Company. Calderbank Steel and Coal Company Limited. Calderbank Steel Company Limited. Cambuslang Coal Company Limited. Camp Coal Company Limited. Campbeltown Coal Company Limited. Caprington and Auchlochan Collieries Limited. Carnbroe Coal Company Limited. Carriden Coal Company Limited. Chapel Coal Company Limited. Cherryton Brick Company Limited. Coltness Holdings Limited (formerly known as Coltness Iron Company Limited). Dalmeny Oil Company Limited. Darngavil Coal Company Limited. Dechmont Colliery Company Limited. Donibristle Coal Company Limited. Douglas Glebe Coal Company Limited (formerly known as Glebe Coal Company Limited). Drumpellier and Craigrigg Collieries Limited. Dunn's Coats-Park Collieries Limited (formerly known as Coats-Park Colliery Company Limited). Dunsyston Coal Company Limited. Earl of Rosslyn's Collieries Limited. East of Fife Coal Company Limited. Edinburgh Collieries Company Limited. Farme Coal Company Limited. Farme Coal Company (1915) Limited. Fife Coal Company Limited. Flemington Coal Company Limited. Fordel Mains Colliery Company. Fordel Mains (Midlothian) Colliery Company Limited. Forest Patent Fuel Company Limited. Forth Collieries Limited. Forth Collieries (1903) Limited. Francis Danks Limited. Frankfield Navigation Coal Company Limited. G. L. Watson.

Mutual Indemnity Association	Person with whom contract of insurance entered into
Scottish Mine Owners' Defence and Mutual Insurance Association Limited.	Garrallan Coal Company Limited (formerly known as Garallan Coal Company Limited). Gartness Coal Company Limited. Gartocher Coal and Brick Company. Gavin Paul and Sons Limited. Giffnock Collieries Limited. Gilmerton Colliery Company Limited. Glasgow Coal Company Limited. Glentaggart Coal Company Limited. Glespin Coal Company Limited. Grangemouth Coal Company Limited. Greenhill Colliery Company Limited. Hamilton McCulloch and Company Limited. Haughhead Coal Company Limited. Haywood Coal Company Limited. Henry Ness and Company Limited. Hillhouserigg Coal Company Limited. Hirst Coal Company Limited. Hopefield Coal Company Limited. Horn (Glasgow) Limited. J. Agnew. J. Dunn and Stephen Limited. J. Fyfe and Company. J. Gardner. J. Ross and Company. James Dunlop and Company Limited. James Dunlop and Company Limited (formerly known as James Dunlop and Company (1900) Limited). James Gemmell Limited. James Nimmo and Company Limited. James Wood Limited. Jawcraig Coal Company Limited. John Horn and Company Limited. John McAndrew and Company Limited. John Nimmo and Son Limited. Kennox Colliery Company Limited. Kepplehill Coal Company Limited. Kingseat Company Limited. Kinneil Cannel and Coking Coal Company Limited. Larkhall Collieries Limited. Laurieston Coal Company Limited. Lochgelly Iron and Coal Company Limited. Lochs Coal Company Limited. Lochwood Coal Company Limited. Loganlea Coal Company Limited. Manor-Powis Coal Company Limited. Melville Coal Company Limited. Merry and Cuninghame Limited. Millrigg Colliery Company Limited. Morningside Coal Company Limited.

Mutual Indemnity Association	Person with whom contract of insurance entered into
Scottish Mine Owners' Defence and Mutual Insurance Association Limited.	Mount Vernon Colliery Company Limited. Murdostoun Colliery Company Limited. New Hermand Oil Company Limited. Niddrie and Benhar Coal Company Limited. Northfield Coal Company Limited. Oakbank Oil Company Limited. Oakley Collieries Limited. Overwood Coal Company Limited. Plean Colliery Company Limited. Polmaise Patent Fuel Company Limited. Portland Colliery Company Limited. R. and J. Durie Limited. Riggonhead Coal Company Limited. Robert Addie and Sons Collieries Limited. Robert Forrester and Company Limited. Robert Muir and Company Limited. Robert Muir and Company (1930) Limited. Rosewell Gas Coal Company Limited. Shotts Iron Company Limited. Summerlee Iron Company Limited (formerly known as Summerlee and Mossend Iron and Steel Company Limited). T. K. Fair. Tarbrax Oil Company Limited. Thomas Spowart and Company Limited. Townhill Colliery Limited. Townhill (Dunfermline) Colliery Limited. Tulligarth Coal Company Limited. Turners Limited. Udston Coal Company Limited. Udston Colliery Company Limited. United Collieries Limited. Walter Herd and Son Limited. West of Fife Coal Company Limited. Whitrigg Fireclay Company Limited. William Baird and Company Limited. William Barr and Sons (Coalmasters) Limited. William Black and Sons Limited. William Dixon Limited. Wilson's and Clyde Coal Company Limited (formerly known as Clyde Coal Company Limited). Wishaw Coal Company Limited. Woodhall Coal Company Limited. Woodilee Coal and Coke Company Limited. Woodside Coal Company Limited.

PART II

Mutual Indemnity Association	Person with whom contract of insurance entered into	Liability excluded
Scottish Mine Owners' Defence and Mutual Insurance Association Limited	Coltness Holdings Limited (formerly known as Coltness Iron Company Limited)	Liability arising out of employment of J. G. McEnhill, E. Barrett and S. Martin at Newmains Works

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 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 schedule 1 and between the Board and the mutual indemnity companies specified in schedule 2, this Order transfers to the Board the workmen's compensation liabilities which are the subject of the arrangements and are described in article 1.

1957 No. 319

The Coal Industry Nationalisation (Superannuation) Regulations, 1957

Made - - - -	*27th February*, 1957
Laid before Parliament	1*st March*, 1957
Coming into Operation	4*th March*, 1957

The Minister of Power in exercise of the powers conferred upon him by sections thirty-seven and sixty-two of the Coal Industry Nationalisation Act, 1946(**a**), as amended by section four of the Coal Industry Act, 1949(**b**), and section fourteen of the Miners' Welfare Act, 1952(**c**), and of all other powers him enabling, hereby makes the following regulations:—

1. These regulations shall come into operation on the fourth day of March, nineteen hundred and fifty-seven, and may be cited as the Coal Industry Nationalisation (Superannuation) Regulations, 1957.

(a) 9 & 10 Geo. 6. c. 59. (b) 12, 13 & 14 Geo. 6. c. 53.
(c) 15 & 16 Geo. 6. & 1 Eliz. 2. c. 23.