3RD SCH —*cont.*

Article.	Rate of Duty.
MANTLES FOR INCANDESCENT LIGHTING.	
Mantles for incandescent lighting, whether collodionised or not.	A duty at the rate of six shillings the gross.
Impregnated hose or stockings for use in the manufacture of such mantles.	A duty at the rate of four shillings and sixpence per pound weight.

CHAPTER 28.

An Act to make provision for facilitating the working of minerals and the better organisation of the coal mining industry, and with respect to the welfare of persons employed therein, and for other purposes connected with that industry.

[4th August 1926.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

PROVISIONS FOR FACILITATING THE RE-ORGANISATION OF THE COAL MINING INDUSTRY.

Power to prepare and submit to Board of Trade amalgamation and absorption schemes.

1.—(1) Where with a view to the more economical and efficient working, treating, or disposing of coal the owners of two or more undertakings consisting of or comprising coal mines agree to amalgamate their undertakings either wholly or partially, they may prepare and submit to the Board of Trade a scheme (hereinafter referred to as an amalgamation scheme) framed in accordance with the provisions of this Part of this Act.

(2) Where the owner of any such undertaking, or where the owners of two or more such undertakings who have agreed to amalgamate, consider that in the interests of the more economical and efficient working, treating,

or disposing of coal it is expedient that one or more other such undertakings, the owners of which are unwilling to agree to amalgamate or to agree to the proposed terms of amalgamation, should be absorbed wholly or partially by the first mentioned undertaking, or by the amalgamated undertaking, as the case may be, the owner or owners may prepare and submit to the Board of Trade a scheme (hereinafter referred to as an absorption scheme) framed in accordance with the provisions of this Part of this Act.

(3) In this Part of this Act—

(*a*) companies whose undertakings are to be amalgamated are referred to as constituent companies;

(*b*) a company whose undertaking is to be absorbed is referred to as an absorbed company;

(*c*) a company, whether or not an amalgamated company, in which any other company is to be absorbed is referred to as the principal company;

(*d*) "partial amalgamation" of undertakings includes the amalgamation of parts of undertakings and arrangements for the joint exercise of powers of working, treating, or disposing of coal, or powers incidental or ancillary thereto, or for the conduct of any business or operations in the common interest of the constituent companies, or the vesting in a separate company of the control of the constituent companies, and "partial absorption" has a corresponding meaning, except that no partial absorption scheme shall, without the consent of the owner of the absorbed company, provide for the separation of the treating or disposing of coal from the working thereof, or, in the case of an undertaking of which the primary object is not coal mining, provide for the separation from the undertaking of any coal mine worked as ancillary to such primary object.

Contents of total amalgamation schemes.

2. A total amalgamation scheme under this Part of this Act may contain such provisions as may be necessary or expedient for giving effect to the objects

of the scheme, and in particular, but without prejudice to the generality of the foregoing provision—

(*a*) may provide either for the constitution and incorporation of a new company, or companies, under the Companies Acts, 1908 to 1917, with or without the dissolution of all or any of the constituent companies, and the transfer to the new company of the undertakings of the constituent companies, or the distribution thereof amongst the new companies and such of the constituent companies as are not dissolved, or for the continuance (with or without change of name) of one or more of the constituent companies, and the dissolution of the other constituent companies, and the transfer of their undertakings to the continued company or the distribution thereof amongst the continued companies;

(*b*) may provide for vesting in the new or continued company or any of the new or continued companies any or all of the property, rights, powers, duties and liabilities of the constituent companies;

(*c*) may provide generally as to the terms and conditions of amalgamation, and for the winding up of the constituent companies or such of them as are to be dissolved, including the allocation to holders of securities of the constituent companies, in substitution therefor and in satisfaction of all claims arising thereunder, of such securities of the new or continued company or any of the new or continued companies and of such amounts as may be specified in the scheme;

(*d*) may make such provision as may be necessary with regard to the share and loan capital of the new or continued company or companies, including provision for increasing all or any of the existing classes of loan or share capital of any such company, or creating new classes of loan or share capital of any such company, with such rights, priorities and conditions as may be specified in the scheme;

(*e*) may provide for any of the matters for which provision is made by Part V. of the Railways Clauses Act, 1863; 26 & 27 Vict. c. 92.

(*f*) may make such incidental, consequential and supplemental provisions as appear necessary or expedient in order to give full effect to the purposes of the scheme.

Contents of total absorption schemes.

3. A total absorption scheme under this Part of this Act may contain such provisions as may be necessary or expedient for giving effect to the objects of the scheme, and in particular, but without prejudice to the generality of the foregoing provision—

(*a*) may provide for vesting in the principal company the property, rights, powers, duties and liabilities of every absorbed company;

(*b*) may provide for the consideration to be given to the absorbed company or several absorbed companies and generally as to the terms and conditions of the transfer, and may provide for the consideration consisting in whole or in part of securities of the principal company, and for that purpose may provide for increasing all or any of the existing classes of loan or share capital of the principal company, or creating new classes of loan or share capital of that company, with such rights, priorities and conditions as may be specified in the scheme;

(*c*) may provide for the winding up of the absorbed company or companies, and may provide on any such winding up for the holder of securities of any absorbed company receiving, in substitution therefor and in satisfaction of all claims arising thereunder, such securities of the principal company forming part of the consideration for the transfer of its undertaking and of such amounts as may be specified in the scheme;

(*d*) may provide for any of the matters for which provision is made in Part V. of the Railways Clauses Act, 1863;

(*e*) may make such incidental, consequential and supplemental provisions as appear necessary or expedient in order to give full effect to the purposes of the scheme.

Contents of partial amalgamation and absorption schemes.

4. A partial amalgamation or absorption scheme under this Part of this Act may contain such provisions as may be necessary or expedient for giving effect to the objects of the scheme, and in particular, but without prejudice to the generality of the foregoing provision—

(*a*) may provide by means of the constitution and incorporation of a company, or by the constitution of a joint committee or otherwise, for the joint exercise of the powers, or the conduct of the business or operations, to which the scheme relates;

(*b*) may provide for transferring to, or conferring and imposing on, the company, joint committee or other body constituted for the purposes of the scheme all or any of such property, rights, powers, duties and liabilities as may be specified in the scheme;

(*c*) may provide generally as to the terms and conditions on which, and the manner in which, the powers are to be exercised, or the business or operations are to be conducted, for the common interest of the companies concerned;

(*d*) may make such incidental, consequential and supplemental provisions as appear necessary or expedient in order to give full effect to the purposes of the scheme.

Supplementary provisions as to schemes.

5.—(1) A scheme under this Part of this Act shall not provide for the allocation to any person of securities subjecting the holder thereof to any liability for calls in excess of the liability (if any) to which he was subject as the holder of the securities for which the allocated securities are to be substituted.

(2) No stamp duty shall be payable in respect of any amalgamation or absorption scheme, or on any debentures, or in respect of any share or loan capital of any company issued in pursuance of such a scheme, or on any conveyance, assignment, or transfer of any of the property or securities of any constituent or absorbed company made in pursuance of any such scheme as aforesaid.

(3) Any action taken for the purposes of or in connection with the preparation or submission of a scheme under this Part of this Act shall be deemed to

be within the powers of any company, and no such action shall give rise to a right on the part of the holders of any debentures or other securities of a company, or of any persons on their behalf, to enforce the security.

Reference of schemes to the Railway and Canal Commission.

6. The Board of Trade shall consider any scheme submitted to them, and shall, if satisfied after communication with such parties interested as they may think fit that a prima facie case is made out that the proposed scheme would promote the more economical and efficient working, treating, or disposing of coal, refer the matter to the Railway and Canal Commission.

Consideration of schemes by Railway and Canal Commission and effect of confirmation of schemes.

7.—(1) Where a scheme has been referred to the Railway and Canal Commission, the Commission, if satisfied that the scheme conforms to the requirements of this Part of this Act, shall take into consideration all objections to the scheme which may be lodged by any person or by any class or body of persons within such time and in such manner as may be directed by the Commission, and where any objections have been so lodged shall hear any objectors whom they consider entitled to appear.

(2) The Commission, after hearing such objectors as aforesaid, may confirm the scheme either without modifications or subject to such modifications as the Commission think fit, or may refuse to confirm the scheme:

Provided that the Commission—

(*a*) shall confirm a scheme if satisfied that it would be in the national interest to do so, and that the terms of the scheme are fair and equitable to all persons affected thereby, and

(*b*) may in particular, if, upon an objection lodged by the holder of any securities in a constituent or absorbed company to whom by the scheme securities in the amalgamated or principal company are allocated in substitution therefor, they are satisfied that the substitution would not be fair in his case, order that in lieu of the proposed substitution his existing securities shall be purchased at a price to be determined in such manner as the Commission may direct.

(3) The Commission may give such directions as they think fit as to the publication of advertisements of schemes, the giving of notices and the holding of meetings of companies affected, and of any classes of shareholders and debenture holders of any such companies.

(4) A scheme under this Part of this Act shall, when confirmed by the Commission, be binding on all persons and the memorandum and articles of any company and any other instrument regulating its constitution or capital shall, in so far as they may be affected by the scheme, have effect subject thereto, and the directors of every company affected by the scheme shall cause a copy thereof to be filed with the registrar of companies.

(5) Where any such scheme provides for the substitution of any securities of an amalgamated company or a principal company for securities of a constituent or absorbed company, any trustee or other person acting in a fiduciary capacity, who at the date of the amalgamation or absorption held and was entitled to hold any securities of the constituent or absorbed company, shall be entitled to hold the securities of the amalgamated or principal company which may be substituted therefor.

(6) Where any such scheme makes provision for additions to existing or the creation of new classes of share or loan capital of any existing company, then, notwithstanding anything in the memorandum or articles of association of the company, the additional capital of each class shall form part of and rank pari passu with the existing capital of that class, and any new class of capital may rank before any existing class of capital.

Representation before Commission of persons employed.

8. Upon the question whether a scheme is in the national interest the Railway and Canal Commission may hear such persons, whether in support of or against the scheme, as they think fit, including representives of persons employed in any undertakings affected by the scheme.

Power to include in schemes provisions as to working facilities. 13 & 14 Geo. 5. c. 20.

9. Any right which might be granted by the Railway and Canal Commission under Part I. of the Mines (Working Facilities and Support) Act, 1923, as amended by Part II. of this Act, may be granted by a scheme confirmed by the Commission under this Part of this Act, and, in so far as any scheme referred to the

Commission makes provision for the grant of such a right, it shall be deemed to be a matter referred to them under Part I. of the first-mentioned Act.

Withdrawal of schemes.

10. A scheme referred to the Railway and Canal Commission may at any time before confirmation thereof by the Commission be withdrawn by the persons by whom it was submitted or, subject as hereinafter provided, by any of them, upon such terms as to costs as the Commission may direct; and at least fourteen days before confirming subject to modifications any scheme submitted to them the Commission shall give notice of the modifications proposed to be made to the persons by whom the scheme was submitted:

Provided that, if any of the persons by whom the scheme was submitted is willing to proceed with the scheme, the Commission may, if satisfied that it would be in the national interest so to do, direct that any such person may, upon such terms as the Commission consider to be fair and equitable to all persons affected by the scheme, proceed with the scheme as if it were a scheme for absorbing either wholly or partially the undertakings of any of the persons desirous of withdrawing the scheme.

Application to undertakings owned by firms and individuals.

11. Where an undertaking to which this Part of this Act applies is owned by a firm, or by an individual, or by two or more individuals jointly, the provisions of this Part of this Act shall apply in relation to the undertaking subject to such modifications as may be necessary.

Powers and duties of the Board of Trade.

12.—(1) If it appears to the Board of Trade that it is the general wish of the owners of any undertakings that the Board of Trade should assist them in formulating or settling the terms of an amalgamation scheme, the Board may give such assistance.

(2) At the expiration of two years from the passing of this Act, the Board of Trade shall make a report to Parliament upon the operation of this Part of this Act, including information as to the extent to which amalgamations and absorptions have taken place among undertakings to which this Part of this Act applies and all such other information and statistics relevant thereto as they may think fit, and the Board shall thereafter continue to make a like report annually.

PART II.

WORKING FACILITIES.

Amendment as respects coal of 13 & 14 Geo. 5. c. 20, Part I.

13.—(1) Any person who is desirous of searching for or working, either by himself or through a lessee, any coal may, under and in accordance with Part I. of the Mines (Working Facilities and Support) Act, 1923 (in this Part of this Act referred to as the principal Act), make an application to search for or work the coal, and, on such an application being referred to the Railway and Canal Commission under the principal Act, the Commission may, subject to the provisions of the principal Act, grant the right if they consider that it is expedient in the national interest that the right should be granted to the applicant.

(2) Where the working of any coal, or the working of any coal in the most efficient and economical manner, is impeded by any restrictions terms or conditions contained in a mining lease, or otherwise binding on the person entitled to work the coal, a right to work the coal freed wholly or partially from such restrictions or conditions, or to work the coal on other terms and conditions, may, on an application for the purpose being made and referred to the Railway and Canal Commission under the principal Act, be granted by the Commission in any case where the Commission consider that it is expedient in the national interest that the right applied for should be granted to the applicant.

(3) An ancillary right may be granted to a person to whom a right of working coal is granted in pursuance of this Part of this Act at the time when such last-mentioned right is granted or at any subsequent time.

(4) The principal Act shall, as respects coal, have effect as if in section five the words "having an interest in any minerals," and "those minerals or any adjacent," and in section six the words "in virtue of which he is entitled to make the application" were omitted therefrom.

(5) For the purposes of this Part of this Act "coal" shall not include lignite or brown coal, but save as aforesaid shall include bituminous coal, cannel coal, anthracite, and all other minerals worked or to be worked therewith.

(6) This Part of this Act shall be construed as one with Part I. of the principal Act, and references in that Part of that Act to a right to work minerals shall include references to any right granted under this Part of this Act.

PART III.

WELFARE FUND.

Royalties welfare levy.

14.—(1) Every person liable to pay mineral rights duty on the rental value of rights to work coal and of mineral wayleaves in connection with coal, or who would be so liable but for any exception by common law or statute, shall be liable to pay for the financial year ending the thirty-first day of March, nineteen hundred and twenty-seven, and for every subsequent financial year a levy (hereinafter referred to as "the royalties welfare levy") at the rate in each case of one shilling for every twenty shillings of that rental value:

Provided that no person shall be liable to pay the royalties welfare levy in respect of any coal worked, or to be worked, by means of any mine of which the principal object is the getting of fire-clay, ganister, ironstone, or other similar minerals.

10 Edw. 7. and 1 Geo. 5. c. 8.

(2) The provisions of the Finance (1909–10) Act, 1910, relating to the assessment, collection and recovery of mineral rights duty and matters incidental thereto, as set out and adapted in the Schedule to this Act, shall apply to the royalties welfare levy, and in cases where the proprietor of the coal, or the person to whom rent is paid in respect of a right to work coal or a mineral wayleave in connection with coal, is liable to the payment of mineral rights duty, the royalties welfare levy shall be collected at the same time as and together with that duty, and in every other case the royalties welfare levy shall be payable on the first day of January in each year.

(3) For the purposes of this section and the said Schedule—

"Coal" shall not include lignite or brown coal, but save as aforesaid shall include bituminous coal, cannel coal, anthracite, and all other minerals worked therewith other than minerals exempt from mineral rights duty;

Rental value shall be determined in accordance with the provisions of the Finance (1909–10) Act, 1910, relating to mineral rights duty, as amended by any subsequent enactment;

Other expressions shall have the same meaning as in the said provisions as so amended.

(4) This section binds the Crown.

Increase in number of welfare committee. 10 & 11 Geo. 5. c. 50. 15 & 16 Geo. 5. c. 80.

15. The number of the committee constituted under section twenty of the Mining Industry Act, 1920, as amended by the Mining Industry (Welfare Fund) Act, 1925 (hereinafter referred to as "the miners' welfare committee"), shall be increased by the addition of two members appointed by the Board of Trade, of whom one shall be appointed after consultation with the Miners' Federation of Great Britain, and one after consultation with such associations or bodies as may appear to the Board to represent persons liable to pay the royalties welfare levy, and the said section twenty shall have effect accordingly.

Application of royalties welfare levy.

16.—(1) The Commissioners of Inland Revenue shall, in accordance with arrangements made with the Board of Trade, from time to time pay over to the fund established under section twenty of the Mining Industry Act, 1920 (hereinafter referred to as the welfare fund), the sums collected by them in respect of the royalties welfare levy.

(2) The Board of Trade shall keep a separate account of the proceeds of the royalties welfare levy paid into the welfare fund.

(3) The miners' welfare committee shall, subject as hereinafter mentioned, apply those proceeds for any of the purposes for which the welfare fund is applicable:

Provided that no part of the proceeds of the royalties welfare levy shall be required to be allocated to any particular district.

Provision of washing and drying accommodation at coal mines.

17.—(1) It shall be the duty of the miners' welfare committee to secure as far as reasonably practicable the provision at all coal mines, to the satisfaction of the committee, of accommodation and facilities for workmen taking baths and drying clothes.

(2) The committee shall in each year appropriate out of the welfare fund for the purposes aforesaid until the

Board of Trade otherwise direct, the whole of the proceeds of the royalties welfare levy paid into the welfare fund in each financial year.

(3) Subsection (5) of section twenty of the Mining Industry Act, 1920, is hereby repealed.

PART IV.

RECRUITMENT.

Recruitment for employment in coal mining industry.

18.—(1) The Minister of Labour may, after consultation with associations representing respectively employers and persons employed in the coal mining industry, make regulations for the purpose of securing that in the recruitment of persons over the age of eighteen years for employment to which this section applies preference is given, while this section is in force, to persons who were employed in such employment during the period of seven days ending on the thirtieth day of April, nineteen hundred and twenty-six, or when last before that date in regular employment, and in particular such regulations may impose such restrictions as may be necessary for that purpose on the engagement of persons for employment to which this section applies, and on the employment of persons engaged in contravention of the regulations, and may provide for requiring the owners, agents and managers of coal mines and persons employed in or seeking such employment to furnish the Minister of Labour with such information as he may require for the purpose of securing compliance with the regulations:

Provided that no such regulations shall impose restrictions on the engagement for employment of any person in actual receipt of a pension granted out of moneys provided by Parliament in respect of a disability arising out of his service with His Majesty's forces during the war.

(2) This section applies to any employment in or about a coal mine in the getting, handling, hauling, preparation and despatch of coal, being employment such as to make the person employed an employed person within the meaning of the Unemployment Insurance Acts, 1920 to 1925, except employment of any class which by the regulations may be excluded from the application of this section. Any question as to

whether employment is employment to which this section applies shall be determined by the Minister of Labour.

(3) If any person contravenes or fails to comply with any regulation made under this section he shall be guilty of an offence and shall, in respect of every such offence, be liable on summary conviction to a fine not exceeding ten pounds, or, in the case of a continuing offence, not exceeding five pounds for each day on which the offence continues.

(4) If for the purpose of obtaining employment either for himself or for any other person in contravention of any regulation made under this section any person knowingly makes any false statement or false representation, or if any person required under the regulations to furnish information to the Minister of Labour knowingly furnishes any false information, he shall be liable on summary conviction to imprisonment for a term not exceeding three months.

(5) All regulations made under this section shall be laid before each House of Parliament as soon as may be after they are made, and if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty days on which that House has sat next after any such regulation is laid before it, praying that the regulation may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation:

56 & 57 Vict. c. 66.

Provided that section one of the Rules Publication Act, 1893, shall not apply to any regulations made under this section.

(6) This section shall continue in force until the thirty-first day of December, nineteen hundred and twenty-nine and no longer unless Parliament otherwise determines.

PART V.

COAL MINES EXCESS PAYMENTS AND COAL LEVY.

Limitation of further assessments and claims.

19.—(1) After the thirtieth day of September, nineteen hundred and twenty-six, except in a case which is an undetermined case within the meaning of this section, no assessment or additional assessment of coal

mines excess payments under the agreement scheduled to the Coal Mines Control Agreement (Confirmation) Act, 1918, or of coal levy under the Coal Mines (Emergency) Acts, 1920 and 1921, shall be made; and no claim for relief from or for reduction or repayment of coal mines excess payments or of coal levy, or for a payment set-off or recovery or for amendment of any payment, set-off or recovery under the aforesaid agreement or for coal award or additional coal award under the Coal Mines (Emergency) Acts, 1920 and 1921, shall be entertained or allowed.

7 & 8 Geo. 5. c. 56. 10 Geo. 5. c. 4 and 11 Geo. 5. c. 6.

(2) At any time not later than the said thirtieth day of September the Board of Trade may in the case of any person who is or has been the owner of an undertaking within the meaning of the Coal Mines Control Agreement (Confirmation) Act, 1918, or the Coal Mines (Emergency) Act, 1920, give notice to him that they consider his liabilities and his rights under either the Coal Mines Control Agreement (Confirmation) Act, 1918, or the Coal Mines (Emergency) Acts, 1920 and 1921, or both, as being undetermined; and any person who has been assessed to coal mines excess payments or coal levy, or is entitled to make any claim under the Coal Mines Control Agreement (Confirmation) Act, 1918, or the Coal Mines (Emergency) Acts, 1920 and 1921, may give a like notice to the Board of Trade, and where such notice is given to or by any person his case shall be deemed to be an undetermined case for the purposes of this section.

(3) The Board of Trade may at any time give notice to any person whose case is an undetermined case to the effect that all questions as to his liabilities and his rights under either the Coal Mines Control Agreement (Confirmation) Act, 1918, or the Coal Mines (Emergency) Acts, 1920 and 1921, or both, have in the opinion of the Board of Trade been finally determined.

Any person aggrieved by any such notice may, at any time within thirty days from the date on which the notice is served on him, appeal against it in accordance with the provisions of subsection (5) of section forty-five of the Finance (No. 2) Act, 1915, and the provisions (other than the provisions prescribing the time within which notice of appeal may be given) of any regulation made under subsection (7) of that section, in the same

5 & 6 Geo. 5. c. 89.

manner as if he were a person dissatisfied with the amount of an assessment to Excess Profits Duty.

If, where notice has been given to a person under this subsection, that person does not appeal against the notice or the appeal is not allowed, his case shall, as from the expiration of the time within which he was entitled to appeal or as from the date on which the appeal is finally determined, as the case may be, cease to be an undetermined case within the meaning of this section, and subsection (1) of this section shall apply accordingly.

(4) Nothing in this section shall affect any powers vested in the Commissioners of Inland Revenue at the commencement of this Act for the recovery of coal mines excess payments or coal levy; or any powers vested in the Board of Trade at the commencement of this Act for the recovery of any moneys payable by the owner of an undertaking in accordance with the provisions of the aforesaid agreement, or of the Coal Mines (War Wage Payment) Directions and Supplementary Directions, 1918 and 1919, or of the Coal Mines (Emergency) Acts, 1920 and 1921.

(5) Notwithstanding anything in this section, the Commissioners of Inland Revenue may at any time make an assessment in respect of any coal mines excess payments or coal levy which appear to them not to have been assessed by reason of any fraud or wilful default on the part of the person liable to be assessed, and recover the amount chargeable on the assessment; and the Board of Trade may at any time recover any moneys payable by the owner of an undertaking under the provisions of the Acts and Directions aforesaid which appear to them not to have been recovered for a like reason; and any person aggrieved by any such assessment or recovery shall have the same right of appealing against it as he would have had if this Act had not passed.

PART VI.

MISCELLANEOUS AND GENERAL.

Power of coal-mining companies to establish

20. It shall be lawful for any company, being the owner of an undertaking consisting of or comprising coal mines, notwithstanding anything in the memorandum or

articles of association of the company, to establish and carry out a scheme for securing to persons employed by the company a share in the profits of the company. profit sharing schemes.

21.—(1) If at any time after the expiration of two years from the commencement of this Act the Board of Trade are satisfied upon representation made to them as respects any coal mine (not being a small mine within the meaning of the Coal Mines Act, 1911) that no adequate opportunity has been afforded by the owner, agent and manager of the mine for the establishment of machinery for mutual discussion between representatives of the management of the mine and representatives of workers employed in or about the mine, of matters of common interest in regard to the working of the mine, the Board may by order direct that regulations made under this section shall apply to that mine. Establishment of joint committees for coal mines. 1 & 2 Geo. 5. c. 50.

(2) The Board of Trade may make regulations providing for the constitution of a joint committee for any mine to which the regulations apply, consisting of representatives of the owners and management of the mine and of the workers employed in or about the mine, and having such functions as may be prescribed by the regulations:

Provided that—

(*a*) such regulations shall not apply to any mine unless and until they have been applied thereto by an order made under the foregoing provisions of this section;

(*b*) no powers in relation to the control or management of a mine shall be included among the functions of any such joint committee; and

(*c*) the regulations shall provide for the selection of the representatives of workers employed in or about a mine by ballot of those workers from amongst their own number.

(3) Regulations made under this section shall provide for the procedure and meetings of joint committees and for enabling joint committees to obtain such information and to cause such inspections to be made as may be necessary for the purpose of enabling them to exercise any of their functions under the regulations; and any

persons appointed in accordance with the regulations to make such inspections shall have all such facilities for the purpose of making the inspections as persons appointed to make inspections under section sixteen of the Coal Mines Act, 1911, and that section shall apply accordingly.

(4) Subsections (2), (3), (4) and (5) of section eighty-six, and section one hundred and seventeen of the Coal Mines Act, 1911, and Part I. of the Second Schedule to that Act (which relate to orders making general regulations under that Act), shall apply with the necessary modifications to regulations under this section, and for the purposes of the said Part I. of the Second Schedule to that Act as so applied, the expression a "general objection" means an objection made by or on behalf of any association or body which satisfies the Board of Trade that it represents a substantial proportion of owners of mines or of persons employed in or about mines in Great Britain.

(5) An order under this section may be made so as to be in force either permanently or for a limited period, and may be amended or revoked by any subsequent order.

(6) In this section, except where the context otherwise requires, the expression "management" has the same meaning as in the Mining Industry Act, 1920.

Power to vary 1 & 2 Geo. 5. c. 50, ss. 9 and 10.

22.—(1) The Board of Trade may, after consultation with the Board for Mining Examinations, by order vary the provisions of sections nine and ten of the Coal Mines Act, 1911, relating to the examinations and qualifications of applicants for certificates of competency under that Act, and the grant of such certificates, in such manner as may appear to the Board of Trade to be expedient for the purpose of adapting them to the needs of the industry and the progress of education.

(2) The provisions of subsections (3) to (5) of section eighty-six, and section one hundred and seventeen of the Coal Mines Act, 1911, and of Part I. of the Second Schedule to that Act, shall apply, with the necessary modifications with respect to orders made under this section, in like manner as those provisions apply to orders made under the said section eighty-six.

Facilities to be given to Department of Scientific and Industrial Research.

23.—(1) Before any person sinks, for the purpose of searching for or getting any minerals, a shaft or borehole intended to reach a depth of more than one hundred feet below the surface, he shall give to the Committee of the Privy Council for Scientific and Industrial Research (hereinafter referred to as "the Committee") notice in writing of his intention to do so, and any person who for such a purpose sinks any such shaft or borehole shall keep a journal thereof, and shall retain for a period of not less than six months such specimens of the strata passed through as may have been obtained in the course of the sinking thereof, either as cores or fragments, and shall allow the Committee, or any officer appointed by them, to have free access at all reasonable times to any such shaft, borehole or core, to inspect and take copies of the journals of such shafts or boreholes, to inspect all specimens so obtained and kept, and to take representative specimens of any such cores.

(2) If the person sinking any such shaft or borehole as aforesaid gives notice in writing to the Committee requiring them to treat as confidential any copies of journals or specimens so taken by the Committee or by any officer appointed by them, the Committee shall not allow those copies or specimens to be published or shown to any person not being an officer of the Department of Scientific and Industrial Research, except with the consent of the person sinking such shaft or borehole:

Provided that, if at any time the Committee give notice to any person from whom such consent is required that, in their opinion, his consent is unreasonably withheld, then that person may, within three months after such notice is given, appeal to the Railway and Canal Commission, but if at the expiration of that period no such appeal has been made, or if after hearing the appeal the Commission do not make an order restraining them from doing so, the Committee may proceed as if such consent had been given.

(3) The owner, agent, or manager of every mine shall allow the Committee or any officer appointed by them to have free access at all reasonable times to all underground workings, and shall supply to the Committee or to any such officer as aforesaid such information

and such specimens of seams or strata sunk through or opened out at the mine as may be reasonably required by the Committee.

(4) If any person sinking any shaft or borehole, or the owner, agent or manager of any mine fails to comply with any obligation imposed on him by the foregoing provisions of this section, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding fifty pounds.

(5) Any officer appointed by the Committee shall have the same rights as to the production and examination of plans and sections kept in pursuance of sections twenty or twenty-one of the Coal Mines Act, 1911, or sections fourteen or nineteen of the Metalliferous Mines Regulation Act, 1872, as are by those Acts conferred on inspectors, and those Acts shall apply accordingly.

35 & 36 Vict. c. 77.

Provisions as to Railway and Canal Commission and as to security for costs. 51 & 52 Vict. c. 25.

24.—(1) The jurisdiction of the Railway and Canal Commission under this Act shall be deemed to be part of their jurisdiction under and for the purposes of the Railway and Canal Traffic Act, 1888, and section ten of the Mines (Working Facilities and Support) Act, 1923, as amended by any subsequent enactment, shall apply in respect of proceedings under this Act in like manner as it applies to the determination of questions relating to applications under that Act:

Provided that—

(*a*) the power of holding inquiries under the said section ten shall extend to the holding of inquiries other than local inquiries; and

(*b*) the Commission may refuse to allow the public to be present at any proceedings of the Commission or inquiry under this Act while matters are being dealt with which, in the opinion of the Commission, are of a confidential character.

(2) The Lord Chancellor, or in Scotland the Lord President of the Court of Session, may attach to the Commission for the purposes of Part I. of this Act, any officers of the Supreme Court or the Court of Session, and such officers shall perform such duties as may be assigned to them by the Commission with the consent of the Lord Chancellor or the Lord President of the Court of Session.

(3) If it is proved to the satisfaction of the Railway and Canal Commission that there is good cause for requiring any person who has submitted a scheme under Part I. of this Act, or who has made an application for the grant of a right under Part II. of this Act, to give security for any costs which may be ordered to be paid by him to any person affected by the scheme or application, the Commission shall have power to make an order that all proceedings upon the scheme or application, as the case may be, shall be stayed until such security for the costs of that person as may be required by the order has been given to the satisfaction of the Commission, and may order the payment into court of the whole or any part of any sum so required to be paid by way of such security. The provisions of subsections (2) and (3) of section one of the Mines (Working Facilities and Support) Act, 1925, shall apply to any money required to be paid into court under this subsection but, subject to those provisions, the rules regulating the procedure of the Commission may provide as to the manner in which any such security is to be given and as to the return of any such security. 15 & 16 Geo. 5. c. 91.

25. For the purposes of Part I. of this Act the expression "securities" includes stocks and shares, and the expression "debentures" includes debenture stock. Definition of securities.

26.—(1) This Act may be cited as the Mining Industry Act, 1926. Short title and extent.

(2) This Act shall not extend to Northern Ireland.

SCHEDULE. Section 14.

PROVISIONS OF THE FINANCE (1909–10) ACT, 1910 APPLIED.

20.—(3) Every proprietor of any coal and every person to whom any rent is paid in respect of any right to work coal or of any mineral wayleave in connection with coal shall, upon notice being given to him by the Commissioners of Inland Revenue requiring him to give particulars as to the amount received by him in respect of the right or wayleave, as the case

may be, and where the proprietor is working the coal, particulars as to the coal worked, make a return in the form required by the notice, and within the time, not being less than thirty days, specified in the notice, and in default shall be liable to a penalty not exceeding fifty pounds to be recovered in the High Court.

(4) Royalties welfare levy shall be assessed by the Commissioners of Inland Revenue and shall be payable at any time after the first day of January in the year for which the levy is charged, and any such levy for the time being unpaid shall be recoverable as a debt due to His Majesty from the proprietor of the coal where the proprietor is working the coal, and in any other case from the immediate lessor of the working lessee. As between the immediate lessor and the working lessee, the levy shall be borne by the immediate lessor, notwithstanding any contract to the contrary, whether made before or after the passing of this Act.

21.—(1) Any immediate lessor who under this Act pays any royalties welfare levy, and is himself a lessee of the right to work the coal or of the wayleave in respect of which the levy is paid, shall be entitled to deduct from the rent paid by him in respect of the right to work the coal or the wayleave, as the case may be, to his lessor a sum equal to the royalties welfare levy on a rental value of the same amount as the rent payable; and any person from whose rent any such deduction is made may make a similar deduction from any rent paid by him in respect of the right to work the coal or in respect of the wayleave, as the case may be.

(2) Any person in receipt of rent from which a deduction may be made under this paragraph shall allow the deduction, and the person making the deduction shall be discharged from the payment of an amount of rent equal to the amount deducted, and any contract for the payment of rent without allowing such a deduction shall be void.

(3) If any person refuses to allow a deduction which he is required to allow under this section, he shall be liable to a penalty not exceeding fifty pounds to be recovered in the High Court.

(4) Where in any special case royalties welfare levy has been charged on a rental value based on a rent which has been substituted under the provisions for determining rental value applied by this Act for the rent actually payable by the working lessee, the Commissioners of Inland Revenue shall, on the application of any lessor from whose rent a deduction may be made in respect of royalties welfare levy, make a corresponding substitution or reduction as regards that rent, if they consider that the grounds for the substitution or reduction, as the case may be, are applicable in the case of the rent with respect to which the application is made.