1. The composition of the Committee was enlarged at the Meeting of the Cabinet on March 17th, 1957 (Cabinet 12 (57) Conclusion 9), and is now as follows:-

The President of the Board of Trade (Chairman)
The Lord Chancellor
The Home Secretary
The Lord Privy Seal
The Secretary of State for Scotland
The Minister of Health
The Minister of Labour
The Attorney-General
The Lord Advocate
The Financial Secretary to the Treasury
The Secretary for Mines

2. Our First Report was submitted on 26th July, 1955, (C.P.160 (55)), our Second Report on 26th May, 1956, (C.P.143 (56)), and our Third Report on 11th March, 1957, (C.P. 94 (37)).

3. Our Third Report was under consideration by the Cabinet at the Meeting referred to above. Subject to the consideration of certain points, the Report was approved in principle. It was agreed inter alia:-

"(b) That the Bill should be introduced at the earliest opportunity, subject to approval of the final drafting of the Clauses by the Cabinet Committee on the Organisation of the Coal Mining Industry (instead of by the Committee of Home Affairs)."

4. The special Arbitration Tribunal appointed to assess the global amount of the compensation to be paid to the present owners of coal has since issued its award. The award was
announced by the Prime Minister in the following terms:

"The tribunal has given an award to the effect that 15 is the appropriate number of years' purchase to be applied to the agreed royalty income figure of £4,430,000. The compensation payable under the terms of the award will therefore be £66,450,000. The Government have decided to accept the award, and they intend to introduce the necessary legislation as soon as possible."

(House of Commons Official Report, 26th April, 1937, column 31).

5. We have examined with care the question of the early introduction of a Bill on the lines approved in principle by the Cabinet, i.e., a combined measure dealing with the unification of royalties, compulsory amalgamations and the continuation with amendments of Part I. of the Coal Mines Act, 1930. By far the most desirable course, if it were possible, would be to pass the Bill into law before the Summer Recess.

It is now too late to circulate the Bill before the Whitsun Recess and the most expeditious procedure, if it were decided to press on with legislation at once, would be to introduce the Bill in dummy this week, and to circulate it during the Whitsun Recess, with a view to Second Reading being taken during the week beginning 30th May.

6. Unfortunately our enquiries show that progress at the rapid rate which would be necessary will be out of the question. The Chief Whip's opinion is that a minimum of nine days House of Commons time will be required for a Bill of the importance and complexity of the present measure, i.e.:-

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<th>Stage</th>
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<td>Committee</td>
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This amount of Government time is not in fact available unless a change is made in the provisional programme, it having been tentatively arranged that the House shall rise for the Summer Recess on 30th July, and the greater part of the intervening period of 45 working days being already assigned for essential business. Only 7½ days remain in which not only the Coal Bill if it were proceeded with, but also the completion of the
consideration of the Ministers of the Crown Bill and legislation on milk, wheat and several other subjects would have to be included. In the circumstances it seems out of the question to crowd a Coal Bill into these few days.

7. The Lord Privy Seal estimates that the consideration of the Coal Bill in the House of Lords will occupy some 4 or 5 weeks. There is clearly no prospect of its reaching the House of Lords early enough to permit of consideration at this length before 30th July.

8. The conclusion appears to be that it is physically impossible that a Coal Bill of the dimensions contemplated should become law before the Summer Recess.

9. We regard this as a very regrettable conclusion from several points of view.

(a) The Government is pledged to early action, in particular by the King's Speech on the Opening of the present Session and by the Prime Minister's statement quoted in paragraph 4 above to introduce Royalties legislation "as soon as possible".

(b) Considerable uncertainty exists regarding the future of interest rates, which makes it desirable that the Royalties loan should be raised with the minimum of delay.

(c) Political objections can be foreseen if we do not forthwith implement the award which is generally held in the press as having been unfavourable to the Royalty Owners. The Government will be charged as not being willing to wound their political friends. Moreover the award of the Arbitration Tribunal will not escape criticism during the coming months. If legislation is deferred it must not be taken for granted that the purchase price of £66,450,000 will continue to command general approval.

In his statement of 9th March regarding the setting up of the Arbitration Tribunal the Chancellor of the Exchequer said that if the Government did not, within six weeks after the decision of the Tribunal, give notice to the Mineral Owners Joint Committee that they were not prepared to accept the decision of the Tribunal, then "the Committee will be entitled to assume that the Tribunal's decision is acceptable to His Majesty's Government and that they will introduce during the present session of Parliament a Bill to acquire the property on the basis of the Tribunal's decision".
(d) The letter from the Treasury Solicitor to the Mineral Owners' Joint Committee about the setting up of the Arbitration Tribunal included the words from the Chancellor's statement of March 9th quoted in the footnote to paragraph (a) above; and we believe that the Tribunal was under the impression that the Government intended to legislate forthwith, and that its proceedings were specially hastened. In these circumstances it will be unfortunate if we defer action for several months.

(e) Legislation covering at any rate one part of the field must be enacted before December 31st next, since Part I. of the Coal Mines Act, 1930, expires at that date.

10. We are informed by the Chief Whip that it is impracticable to adopt the compromise course of introducing the Bill forthwith and making as much progress as possible with it before the holidays, and completing the remaining stages after the summer adjournment on the grounds that in that case the House of Lords would require five or six weeks for the further stages at a period of the year when the House of Commons would have no business to consider.

11. After careful consideration, our recommendation is that the Coal Bill should be deferred to the beginning of the 1937-38 session. It must, in that case, be the first measure to be introduced after the King's Speech, and it should, if possible, be pressed through all its stages before the House rises for Christmas, 1937.

If it is necessary for the purposes of this programme that the new session should begin considerably earlier than would otherwise be the case, we recommend that this should be arranged.

If at the last moment some unexpected difficulty should occur, making it impossible to obtain the Royal Assent before Christmas, 1937, it will be important that the remaining stages
shall be completed in January and February, 1938. In this event a short separate Bill will be required, continuing Part I of the 1930 Act for a few additional weeks, which we are assured is possible within the rules of the House, in spite of its obvious difficulties.

12. As regards the terms of the actual Coal Bill to be introduced, we recommend (subject to two or three drafting points with which the Cabinet need not be troubled) the adoption of the draft attached to the present Report.

Summary of Conclusions and Recommendations.

13. Our conclusions and recommendations may be summarised as follows:-

(i) It is a physical impossibility, owing to the very limited amount of Parliamentary time available according to present plans, to pass into law before the summer recess a combined Bill covering the three fields of coal policy which require legislation, viz., unification of royalties, compulsory amalgamations and the continuation with amendments of Part I. of the Coal Mines Act, 1930.

(ii) There are difficulties, from the Parliamentary point of view, in introducing a combined Bill, making as much progress with it as is possible before the holidays, and completing the remaining stages after a summer adjournment; and nothing will be gained by introducing a Bill dealing with part of the field only.

(iii) Our recommendation is that a combined Bill be carried through all its stages, as the first legislative measure of the 1937-38 session; the session should be begun early enough to allow of this Bill becoming law by Christmas next.

(iv) Should the Bill, owing to some unforeseen contingency, not have received the Royal Assent by Christmas next, it will be necessary to pass a short ad hoc measure continuing in force for a few additional weeks Part I. of the 1930 Act.

(v) Subject to a few drafting points, with which the Cabinet need not be troubled, we recommend that the Bill to be introduced at the beginning of the 1937-38 session should be in the form of the draft attached to the present Report.

Signed on behalf of the Committee,

WALTER RUNCIMAN

Chairman.

Whitehall Gardens, S.W.1.,

3rd May, 1937.
Coal Bill.

ARRANGEMENT OF CLAUSES.

PART I.

UNIFICATION OF COAL MINING ROYALTIES.

The Coal Mines Commission.

Clause.
2. General provisions as to functions of the Commission under Part I.

Vesting in, and acquisition by, the Commission of property in coal and coal mining rights.

3. Vesting of fee simple in coal, &c. in the Commission and compensation therefor.
4. Ascertainment and payment of compensation payable under s. 3.
5. Powers of the Commission in relation to underground land other than coal.
6. Acquisition by the Commission of ancillary rights.
7. Acquisition by the Commission of associated minerals.

Transitional provisions.

8. Retention of interests under coal-mining leases subsisting on the appointed day.
10. Substitution of new leases for retained leases.
12. Right of freeholder in possession of coal to lease thereof.
Financial Provisions.

Clause.
13. Receipts of, and payments by, the Commission.
15. Reduction by the Commission of rents.
17. Purposes for which the Commission may borrow.
18. Power to issue stock.
19. Power of Treasury to guarantee loans.
20. Power of Treasury to make advances.
21. Accounts and audit.

Miscellaneous.

22. Commission not to be exempt from taxation, &c.
24. Commission to have exclusive right to search and bore for coal.
25. Provision against assignment, &c. of leases without the consent of the Commission.
26. Provisions as to obtaining information for purposes of Part I.
27. Saving for rights of support in certain cases.
28. Application to registered land.
30. Saving for [application to] Forest of Dean.
31. Interpretation.
32. Application to Scotland.

PART II.

Reduction in Number of Coal-Mining Undertakings.

33. Transfer to the Commission of functions of the Coal Mines Reorganisation Commission.
34. Duty of the Commission to reduce number of coal-mining undertakings where necessary in interests of efficiency.
35. Powers of the Commission as to obtaining information for purposes of Part II.
36. Exemption from stamp duty in respect of amalgamation or absorption schemes and instruments executed thereunder.
[1 Edw. 8. & 1 Geo. 3.]  

PART III.
AMENDMENT AND CONTINUANCE OF PART I OF THE COAL MINES ACT, 1930.

Clause.
37. Amendment and continuance of Part I of 20 & 21 Geo. 5. c. 34.

PART IV.
MISCELLANEOUS AND GENERAL.
38. Acquisition by miners welfare committee of sites for pithead baths, &c.
40. Liability of directors, &c. of bodies corporate for offences.
41. Service of notices, &c.
42. Powers as to inquiries, &c.
43. Reports to Board of Trade.
44. Short title and extent.

SCHEDULES:
First Schedule—Constitution and procedure of the Coal Mines Commission.
Second Schedule—Title to coal hereditaments vested in the Commission by this Act.
Third Schedule—Provisions as to compensation payable under section three of this Act.
Fourth Schedule—Provisions as to compulsory acquisition of ancillary rights.
Fifth Schedule—Enforcement of subsisting coal-mining leases during transitional period.
Sixth Schedule—Grant of new leases in substitution for retained leases.
Seventh Schedule—Grant of leases to freeholders in possession of coal immediately before the appointed day.
Eighth Schedule—Amendments of 20 & 21 Geo. 5. c. 34, s. 13.
Ninth Schedule—Amendments of 20 & 21 Geo. 5. c. 34, ss. 5 and 8.
DRAFT OF A BILL

To

Make provision for the property in all unworked coal and mines of coal and certain associated property and rights being transferred to or acquired by a Commission with power of management thereover; for empowering the Commission to promote a reduction in the number of coal-mining undertakings; for continuing Part I of the Coal Mines Act, 1930, with amendments; for enabling the miners welfare committee to acquire land compulsorily; and for purposes connected with the matters aforesaid.

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.

UNIFICATION OF COAL MINING ROYALTIES.

The Coal Mines Commission.

1. There shall be a Coal Mines Commission (in this Act called "the Commission") to exercise and perform the powers and duties set out in this Act.

2. The Commission shall have power to make rules for the purpose of carrying into effect the provisions of this Act.
The Commission shall be a body corporate by the name of "the Coal Mines Commission," with perpetual succession and a common seal, and with power to hold land without licence in mortmain.

The provisions of the First Schedule to this Act shall have effect with respect to the constitution and procedure of the Commission.

The Commission shall not themselves engage in the business of coal-mining or carry on any operations for coal-mining purposes, other than searching and boring for coal, but shall be charged with the duty of controlling and managing the premises vested in or acquired by them by or under this Part of this Act, by granting coal-mining leases and otherwise, in such manner consistently with the provisions of this Act as they think best for promoting the interests, efficiency, and better organisation of the coal-mining industry.

The Board of Trade may give to the Commission general directions as to the exercise and performance by the Commission of their functions under this Part of this Act in relation to matters appearing to the Board to affect the national interest, including all matters affecting the safety of the working of coal, and the Commission shall give effect to any such directions.

On the appointed day the fee simple in all unworked coal and in all mines of coal shall vest in the Commission, subject to and in accordance with the provisions of section eight of this Act with respect to interests under coal-mining leases subsisting immediately before the appointed day, the provisions of section eleven of this Act with respect to working facilities rights, and the provisions of the Second Schedule to this Act for further defining the title to any coal or mine that is to vest in the Commission and with respect to the property and rights that are to vest in the Commission with any coal or mine and the title for which they are so to vest and with respect to the matters to which the Commission's title to any coal, mine, property or rights, is to be subject.
Where a lease subsisting immediately before the appointed day confers a right to work and carry away both coal and minerals or substances other than coal, this Part of this Act shall have effect in relation to those other minerals or substances in all respects (save as otherwise therein expressly provided) as if they had been coal, and references in this Part of this Act to coal shall be construed accordingly.

Provided that the foregoing provisions of this sub-section shall not have effect in the case of any minerals or substances therein mentioned in the case of which the Commission give in the prescribed manner before the appointed day a direction that this Part of this Act shall not have effect in relation thereto.

(3) In this Part of this Act all the premises title to which is given to the Commission by virtue of this section and of section eight of and the Second Schedule to this Act are referred to as "coal hereditaments," and in this and the next succeeding section the expression "principal coal hereditaments" means coal hereditaments with the exception of surface servitudes and of premises title to which is given to the Commission as aforesaid by reason only of the operation of the last preceding subsection, and the expression "subsidiary coal hereditaments" means surface servitudes and the last mentioned premises.

(4) Compensation shall be paid by the Commission in accordance with the next succeeding section in respect of the vesting in them for the title given to them as aforesaid of coal hereditaments whether principal or subsidiary.

(5) For the purposes of the payment of compensation under this section so far as regards all principal coal hereditaments, the sum of [ ] pounds shall be taken to be the aggregate value of the interest therein given to the Commission by the vesting thereof in them as aforesaid.

(4.—(1) The compensation tribunal established under the Third Schedule to this Act shall ascertain the value of each interest in coal hereditaments which is under the provisions of that Schedule to constitute a separate subject of compensation and in respect of which a notice of claim is duly served on the Commission not later than the expiration of [six] months from the appointed day.
that is to say the amount which that interest might have been expected to realise if this Act had not been passed and it had been sold immediately before the appointed day in the open market by a willing seller.

(2) Where the coal hereditaments in which a subject of compensation subsisted include subsidiary coal hereditaments, the compensation tribunal shall also ascertain the parts of the amount ascertained in respect of that subject under the preceding subsection that are attributable to principal and to subsidiary coal hereditaments respectively.

(3) The compensation tribunal shall certify to the Commission the amounts ascertained under the preceding subsections, indicating which of those amounts are attributable to principal and to subsidiary coal hereditaments respectively, and there shall be paid in respect of each subject of compensation in respect of which a notice of claim is served as aforesaid—

(a) a sum bearing to the amount certified in respect thereof as attributable to principal coal hereditaments the same proportion as the said sum of [ ] pounds bears to the aggregate of the amounts so certified in respect of all subjects of compensation; and

(b) a sum equal to any amount certified in respect thereof as attributable to subsidiary coal hereditaments.

(4) The sum or sums to be paid in respect of any subject of compensation shall be a debt due on the appointed day from the Commission to the person entitled in accordance with the provisions of the Third Schedule to this Act to the compensation for that subject, payable (subject to the provisions of this Act as to payments on account) on the date on which the ascertainment and certification of all the amounts to be ascertained under this section has been completed (in this Act referred to as the “compensation date”), and carrying interest at the rate of [four] pounds per cent, per annum from the appointed day to the date of payment.

(5) Subject as aforesaid, the compensation to be paid under section three of this Act shall be ascertained, certified and paid subject to and in accordance with the provisions of the Third Schedule to this Act.
5.—(1) In respect of any underground land not being coal hereditaments the Commission shall themselves have the right, and shall have power to grant a licence to any person to do any of the following acts in the course of operations for coal-mining purposes, that is to say, to enter upon, remove, execute works in, pass through and occupy any such land and to do all such other acts in relation to any such land as are requisite or convenient for the purposes of any such operations:

Provided that neither the Commission nor any person to whom a licence has been granted under this subsection shall be entitled by virtue of this subsection or of the licence—

(a) to interfere with the carrying on of underground operations carried on for a purpose other than a coal-mining purpose;

(b) to interfere with the surface of any land; or

(c) to withdraw support from any land.

(2) Where the Commission are subject to any restriction as respects acts to be done in relation to any coal or mine by reason of their title thereto being subject under the provisions of the Second Schedule to this Act to a servitude or restrictive covenant, they and a person to whom a licence has been granted under the preceding subsection shall be subject to the like restriction as respects acts to be done in relation to any underground land subjacent to or superincumbent on that coal or mine which, if it had been included in the conveyance of that coal or mine assumed for the purposes of that Schedule, would have been deemed to be conveyed to the Commission subject to the same servitude or covenant.

6.—(1) Where the Commission are desirous of acquiring the benefit of any right to be exercised in respect of any land for a coal-mining purpose, either by the lessee under a coal-mining lease or, in the case of searching and boring for coal, by the Commission, they may acquire it by agreement or, if the Board of Trade are satisfied that the undertaking or carrying on of any operations for coal-mining purposes is unduly hampered by the inability of the Commission to acquire it by agreement, the Commission may be authorised to acquire it compulsorily by means of a compulsory purchase order.
A.D. 1937. made by the Commission and submitted to the Board and confirmed by them in accordance with the provisions of the Fourth Schedule to this Act.

PART I—cont.

(2) The Commission may, without prejudice to the generality of the preceding provisions, acquire under this section—

(a) a right to withdraw support from land;
(b) a right to enter upon land and to sink bore holes or shafts, or to drive adits, therein;
(c) a right of airway or shaft-way or a wayleave, or other right for the purpose of access to, or conveyance of, coal or other substance excavated for coal-mining purposes, or of the ventilation or drainage of mines of coal;
(d) a right to occupy and use land for such buildings or other works (including spoil banks and rubbish tips, and coke ovens to be made or operated on land contiguous to a colliery in connection with the working of coal), as may be required for coal-mining purposes or for storing, treating or converting coal, or to occupy and use land for by-product works to be operated as aforesaid;
(e) a right to occupy and use land for dwellings for persons employed in connection with the working of coal or with any such works as aforesaid;
(f) a right to obtain a supply of water or other substance required in connection with the working of coal; and
(g) a right to dispose of water or other liquid matter obtained from mines of coal or any by-product works.

(3) A right that the Commission are authorised to acquire under this section in respect of any land may be conveyed to them by means of a grant either of the fee simple or of a term of years or other interest in the land or of the benefit of a servitude to be enjoyed adversely thereto.

(4) Where the Board of Trade are satisfied that the undertaking or carrying on of any operations for coal-mining purposes is unduly hampered by the subsistence of a servitude or restrictive covenant to which coal or a mine of coal is subject under the provisions of the Second Schedule to this Act, the compulsory extinguishment or...
discharge thereof may be authorised by an order made by the Commission and submitted and confirmed as aforesaid.

(5) The Board of Trade shall not confirm an order for the acquisition of a right in respect of any land otherwise than by means of a grant of an interest that confers an exclusive right to the possession thereof or an order for the extinguishment or discharge of a servitude or restrictive covenant, unless they are satisfied that adequate provision is made by the order for securing to the occupier of the land all such facilities of access, drainage, water supply and otherwise as are reasonably requisite for the convenient enjoyment thereof.

(6) The Board of Trade shall, in deciding whether to confirm an order, have regard, amongst other considerations, to the effect on the amenities of the locality of the exercise of the right, or of the extinguishment or discharge of the servitude or covenant, to which it relates, and may in confirming an order impose such conditions as they may think fit with a view to the preservation of such amenities.

(7) A right to withdraw support acquired compulsorily under this section shall be conveyed to the Commission subject to an obligation to make good, or to pay proper compensation for,—

(a) damage arising from the working of the coal to which the right is annexed to land supported thereby, exclusive of buildings or works on such land; and

(b) damage arising from such working to buildings or works on the said land, so however that, in the case of buildings or works whose construction is begun after the date of the first publication under the Fourth Schedule to this Act of notice of the making of the order, the obligation shall be limited to damage which could not have been avoided by reasonable and proper precautions taken in the design and construction of the buildings or works to minimise damage in the event of subsidence.

7.—(1) It shall be within the competence of the Commission to acquire the fee simple or a term of years or other interest in any minerals or substance other than associated minerals.
Retention of interests under coal-mining leases subsisting on the appointed day.

(2) The provisions of the two last preceding sections shall have effect in relation to minerals acquired by the Commission under this section as if the references in those sections to coal-mining purposes and to the storing, treating, converting and working of coal included references to the like purposes as regards those minerals.

Transitional Provisions.

8.—(1) Interests in coal or a mine of coal that arise under a coal-mining lease subsisting immediately before the appointed day shall not vest in the Commission by virtue of this Act, except as provided by the next succeeding subsection.

(2) Where in the case of any coal or mine of coal both a lease thereof and an under-lease thereof derived out of that lease, both being coal-mining leases, are subsisting immediately before the appointed day, the Commission may, by notice in writing served (either before, on or after the appointed day) on the lessee under the lease, give a direction that all interests in that coal or mine that arise under the lease (that is to say, the interest of the lessees thereunder as such lessee and the interests of all persons claiming under him as so claiming) shall vest in the Commission:

Provided that the Commission shall not give a direction under this subsection in the case of any coal or mine as respects interests arising under a lease which is itself an under-lease derived out of a superior coal-mining lease, unless they have duly given a direction thereunder in the case of those premises as respects interests arising under the superior lease also.

(3) Where a direction is given under the last preceding subsection after the appointed day, this Part of this Act shall have effect in relation to the interests as respects which the direction is given with the substitution for references to the appointed day of references to the date on which the direction is given.

(4) In this Part of this Act—

(a) the expression "retained lease" means any coal-mining lease subsisting immediately
before the appointed day unless all the coal and mines of coal comprised therein are underleased and a direction under subsection (2) of this section is given as respects interests arising thereunder in the case of all such coal and mines;

(b) references in relation to a retained lease to premises comprised therein shall be construed as references to all the premises comprised therein, whether or not being coal hereditaments and whether or not being premises affected by a direction given under subsection (2) of this section;

c) references in relation to a retained lease to premises subject thereto shall be construed as references to the premises comprised therein, other than coal or a mine in the case of which a direction is given under subsection (2) of this section as respects interests arising under that lease or property or rights that vest in the Commission with that coal or mine.

9. The provisions of the Fifth Schedule to this Act shall have effect as respects the enforcement of—

(a) a retained lease, if it comprises any premises the immediate reversion wherein is vested in the Commission; and

(b) a coal-mining lease subsisting immediately before the appointed day that is not a retained lease, if it comprises any premises other than coal hereditaments;

during the period between the appointed day (or, where a reversion in question is vested by reason of a direction given under subsection (2) of the last preceding section after the appointed day, the date on which the direction is given) and the compensation date.

10.—(1) At any time after the appointed day the Commission may require the lessee under a retained lease that comprises both coal hereditaments subject thereto the immediate reversion wherein is vested in the Commission and other premises subject thereto, to take a new lease of the said coal hereditaments,
A.D. 1937

PART I.
—cont.

(2) Where the Commission require the lessee under a retained lease to take a new lease as aforesaid, they may require him to take, and the person competent in that behalf to grant to him, a new lease of the other premises mentioned in the preceding subsection, in substitution so far as regards those premises for the retained lease.

(3) Subject to any agreement between the Commission or the lessor of the said other premises, as the case may be, and the lessee, a substituted lease granted under this section shall be a lease for such a term, at such a rent and subject to such conditions, that the rights and liabilities thereunder of the Commission or of the lessor, as the case may be, and of the lessee, will, so far as is reasonably practicable, be of not less value, and not more onerous than their rights and liabilities respectively under the retained lease in respect of the premises as regards which the lease is substituted.

(4) The provisions of the Sixth Schedule to this Act shall have effect with respect to the granting of substituted leases under this section and the substitution or variation of securities in the case of premises in mortgage.

(5) The following provisions shall have effect with respect to the charge of stamp duty, where a substituted lease is granted under this section, that is to say:—

(a) if the Commission are satisfied that the need for the substitution arose wholly or partly as a consequence of the passing of this Part of the Act, they shall certify whether the whole or part, and if part what part, of the rent or other consideration reserved by the substituted lease and of the term thereby created ought in their opinion to be taken as being reserved and created in substitution for the rent or other consideration reserved by the retained lease and the term thereby created respectively, and the amount of the stamp duty, if any, to be charged upon a substituted lease in respect of which a certificate is given under this subsection shall be computed as if the rent or other consideration reserved thereby and the term thereby created had included only such part, if any,
[1 Edw. S. & 1 Geo. 6.]  

Coal.  

thereof respectively as is not stated in the certificate as being in substitution as aforesaid;  

(b) the substituted lease shall not be deemed to be duly stamped unless the Commissioners of Inland Revenue have expressed their opinion thereon in accordance with the provisions of section twelve of the Stamp Act, 1891;  

(c) no stamp duty shall be chargeable upon a substituted security, or an instrument making provision for the variation of a subsisting security, made and expressed to be made pursuant to the provisions of the Sixth Schedule to this Act.

11. — (1) A right granted by the Railway and Canal Commission under the Mines (Working Facilities and Support) Act, 1923, either as originally enacted or as extended by section thirteen of the Mining Industry Act, 1926 (in this Act referred to as a "working facilities right"), notwithstanding that it confers any estate interest charge or power in or over coal or a mine of coal, or that it is annexed to coal or a mine of coal, shall not vest in the Commission by virtue of this Act, and the title to any coal hereditaments given to the Commission by the provisions of sections three and eight of and the Second Schedule to this Act shall be subject to any working facilities right that adversely affects those coal hereditaments.

(2) Section six of this Act shall have effect as if references therein to the lessee under a coal-mining lease included references to the grantee of a working facilities right.

(3) Provision shall be made by rules made by the Board of Trade under the power in that behalf conferred upon them by the Third Schedule to this Act—  

(a) for treating interests in coal hereditaments affected by an order granting a working facilities right as together constituting a separate subject of compensation in any case in which it appears to them that the compensation therefor can be ascertained and paid most conveniently and expeditiously in that way; and
(b) for determining the person entitled to the compensation for interests treated as a separate subject of compensation by virtue of rules made for the purposes of this subsection:

Provided that rules made for the purposes of this subsection shall be made by the Board after consultation with the Railway and Canal Commission.

(4) The provisions of sections one to seven of the Mines (Working Facilities and Support) Act, 1923, and the provisions of sections nine to fourteen of that Act that relate to a right to work minerals, shall, as from the appointed day, have effect as if coal had not been included in the minerals to which those provisions apply, and section thirteen of the Mining Industry Act, 1926, shall cease to have effect as respects coal:

Provided that, notwithstanding the foregoing provisions of this subsection, the Railway and Canal Commission may exercise on or after the appointed day any power conferred on them by any of the said enactments in relation to coal so far as may appear to them to be requisite for giving effect to an order granting a working facilities right subsisting immediately before the appointed day, and the said provisions shall not affect the power conferred on the said Commission by section eighteen of the Railway and Canal Traffic Act, 1888, to review and rescind or vary any such order.

12.—(1) A person carrying on the business of coal-mining immediately before the appointed day, who is then beneficially entitled (whether or not subject to a mortgage) to the entire fee simple in coal or a mine of coal that is not subject at the appointed day to any coal-mining lease, shall have the right, if he has made an application in writing in that behalf to the Commission before the appointed day, to a grant from the Commission of a coal-mining lease comprising any coal or mine of coal specified in his application to which he is so entitled and any property and rights that vest in the Commission therewith and are not at the appointed day comprised in any coal-mining lease:

Provided that a person shall not be entitled under this section to a lease the grant of which would interfere with the exercise of a working facilities right.
A lease granted under this section shall be granted for such a term as the person entitled to the lease may require, not being longer than may be reasonable requisite for enabling the coal comprised therein to be worked out, and subject to such conditions with respect to rent and otherwise as are customary in the district, or, where there are no customary conditions or the customary conditions are not applicable, subject to such conditions as may be reasonable.

(3) The provisions of the Seventh Schedule to this Act shall have effect with respect to the granting of leases under this section and the substitution or variation of securities in the case of premises in mortgage.

(4) No stamp duty shall be chargeable upon a lease granted and expressed to be granted under this section, or upon a substituted security, or an instrument making provision for the variation of a subsisting security, made and expressed to be made pursuant to the provisions of the Seventh Schedule to this Act.

(5) A person who has duly made an application for a grant under this section of a lease of any coal shall be at liberty, pending his becoming entitled by virtue of the lease to the possession of the premises to be demised to carry on any coal-mining operations in relation to that coal, and shall be entitled for the purposes of any such operations to use any property and to exercise any rights vested in the Commission with that coal.

(6) In respect of the period between the appointed day and the date on which the rent reserved by a lease granted under this section commences to accrue, a sum equal to the rent that would have accrued during that period if the lease had been granted on the appointed day and had reserved rent for that period at the rate and on the terms on which the first instalment of rent payable under the lease is reserved, shall be payable by the lessee to the Commission and shall be recoverable together with that instalment as if it had been rent.

(7) The lessee under a lease granted under this section may, with the consent in the case of premises that were subject to a mortgage of the mortgagee, require the Commission, in lieu of recovering any sum that becomes payable by him, either under the lease by way of rent or under the last preceding subsection, before the compensation in respect of the fee simple in the demised
premises is paid, to take that sum into account as a payment on account of such compensation made on the date on which that sum would have been recoverable.

[(8) For the purposes of the enactments relating to mineral rights duty and royalties welfare levy, a person who has duly made an application for a grant of a lease under this section shall be deemed to have been the working lessee as respects the coal hereditaments to be comprised in the lease as from the appointed day, and, for the purposes of the assessment, collection and recovery of the said duty and levy on and from the Commission, the sum payable by that person under subsection (6) of this section shall be deemed to be rent, and any sum taken into account under the last preceding subsection shall be deemed to be paid on the date on which the compensation is paid.]
measuring any extraordinary claim or demand at any time arising against the Commission, and the Board of Trade shall from time to time, with the approval of the Treasury, by regulation prescribe—

5 (a) an amount, in this and the next succeeding section referred to as "the prescribed minimum reserve", being such an amount as ought, in the opinion of the Board and the Treasury, to be held for the time being to the credit of the reserve fund for answering those purposes; and

10 (b) an amount, in this and the next succeeding section referred to as "the prescribed appropriation to reserve," being such an amount as ought, in the opinion of the Board and the Treasury, to be made available for carrying to the credit of the reserve fund at the end of each financial year of the Commission whilst the regulation remains in force.

15 (3) At any time at which the value of the reserve fund is greater than the prescribed minimum reserve, the Commission may apply a part thereof not exceeding in value the amount of the excess in purchase for cancellation of stock issued by them under this Act or otherwise for the redemption of debt.

20 (4) Sums credited to the reserve fund shall be invested from time to time in such manner as the Commission may, with the approval of the Board of Trade, think fit, and references in this and the next succeeding section to the value of the reserve fund or of any part thereof shall be construed as references to the value of the investments and cash of which the reserve fund or that part thereof consists, as determined by the Treasury.

15.—(1) If at any time, on an estimate made by the Commission, it appears to them that their annual surplus for future financial years is likely on the average to exceed the amount which is at that time the prescribed appropriation to reserve, they may reduce any such rents within their control as are specified in the next succeeding subsection by amounts not exceeding in the aggregate one-half, or if the value of the reserve fund is then greater than the prescribed minimum reserve...
the whole, of the estimated excess of their annual surplus over the prescribed appropriation to reserve.

(2) The rents which may be reduced under the preceding subsection shall be—

(a) rents payable in respect of underground way-leaves;

(b) rents payable by particular lessees working coal in any district or part of a district which are, having regard to all the circumstances, more onerous than the average of the rents payable by lessees working coal under similar conditions in that district or part of a district; and

(c) rents payable by lessees generally working coal in any district or part of a district which are, having regard to all the circumstances, more onerous than the average of the rents payable by lessees generally working coal under similar conditions in other districts or in another part of that district:

Provided that if at any time the Commission report to the Board of Trade that such reduction of rents as they have power to effect under the foregoing provisions of this subsection has been substantially completed, the Board of Trade may make and lay before Parliament an order making provision to the effect that the preceding subsection shall apply to rents within the control of the Commission generally or to any class of such rents, and, if each House of Parliament resolves that the order be approved, the order shall have effect from such date as the Board of Trade may appoint.

(3) Subject as aforesaid the Commission shall not reduce any rent during the currency of the lease by which it is reserved, and in granting leases, other than leases to be substituted for retained leases under subsection (1) of section ten of this Act, the Commission shall reserve the best rent which in their opinion can reasonably be obtained, regard being had to any power to reduce rents for the time being exercisable by them in accordance with the preceding provisions of this section, to any money laid out or to be laid out by the lessee and generally to the circumstances of the case:

Provided that the Commission may reduce the rent reserved by a lease, or may grant a lease reserving a rent less than the best rent, if they are satisfied that other
provision made by the lease in consideration of their so doing affords a financial advantage substantially equivalent in value to the amount of the reduction or to the amount by which the rent is less than the best rent, as the case may be.

16.—(1) For the purposes hereinafter mentioned the Commission may, in accordance with regulations made by the Board of Trade with the approval of the Treasury, borrow money in such manner and subject to such provisions as to the repayment thereof and as to re-borrowing for the purpose of paying off a loan previously raised as may be prescribed by the regulations.

(2) The regulations may empower the Commission to borrow temporarily from bankers or otherwise, and may apply with or without modifications any enactments relating to borrowing by local authorities.

17.—(1) The Commission may borrow for all or any of the following purposes:

(a) the payment of the principal sums payable by way of compensation under section three of this Act [and of the interest on those sums];

(b) the payment of the sums payable by the Commission under the Third Schedule to this Act in respect of remuneration of the members of the compensation tribunal and of persons appointed to assist them and in respect of costs;

(c) the payment of interest accrued up to the first anniversary of the compensation date on money borrowed by the Commission, of the administrative expenses of the Commission incurred before the said first anniversary, and of any other expenditure properly incurred by the Commission before the said first anniversary on revenue account;

(d) any purpose within the powers of the Commission the cost of which ought in the opinion of the Board of Trade to be spread over a term of years;

(e) the repayment of any advances made to the Commission by the Treasury under this Act.
(2) Any money borrowed under this section and the interest thereon shall be charged on all the property and revenues of the Commission, and shall be repaid within such period as the Treasury may determine.

(3) The maximum amount which may be borrowed by the Commission under this section shall be an amount sufficient to raise [ ] pounds, and the Commission shall not have power to borrow any sums in excess of that amount otherwise than for the purpose of paying off loans previously raised.

18.—(1) The Commission may, for the purpose of raising money which they are authorised to borrow under this Act, create and issue stock to be called Coal Mines Commission Stock.

(2) Any stock issued by the Commission and the interest thereon shall be charged on all the property and revenues of the Commission.

(3) Subject to the provisions of this Act, any stock created by the Commission shall be issued, transferred, dealt with and redeemed according to regulations made by the Board of Trade with the approval of the Treasury.

(4) Any such regulations may apply for the purpose of this section, with or without modifications, any provisions of the Local Loans Act, 1875, or of any enactments relating to stock issued by any local authority.

19.—(1) The Treasury may guarantee in such manner and on such conditions as they think fit the payment of the principal and interest on any loan proposed to be raised by the Commission.

(2) The aggregate amount of the principal of the loans which may be so guaranteed shall not exceed an amount sufficient to raise [ ] pounds.

(3) Any sums required by the Treasury for fulfilling any guarantee given under this section shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and any sums received by way of repayment of any sums so issued or of interest thereon shall be paid into the Exchequer [applied, in such manner as the Treasury may direct, to the redemption of debt].

(4) All the property and revenues of the Commission shall be charged with the repayment of any sums
so issued out of the Consolidated Fund, including interest thereon at such rates as the Treasury may determine, next after the principal and interest of the guaranteed loan and any sums which by the terms of the raising or issue of the loan the Commission are bound to set aside towards the repayment of the principal thereof, and in priority to any other charge not existing at the date on which the loan is raised.

(5) The Treasury shall, so long as any such guarantee is in force, lay before both Houses of Parliament in every year within one month after the thirty-first day of March a statement of the guarantees, if any, given during the year ending on that date, and an account of the total sums, if any, which have up to that date been either issued out of the Consolidated Fund under this section or received by way of repayment of any sums so issued.

20.—(1) The Treasury may out of moneys provided by Parliament make temporary advances on such terms and conditions as the Treasury may determine for the payment of the administrative expenses of the Commission incurred before the expiration of [ ] years from the date of the passing of this Act.

(2) All sums received by way of repayment of any advances made under this section or of interest thereon shall be paid into the Exchequer [applied, in such manner as the Treasury may direct, to the redemption of debt].

21.—(1) The Commission shall prepare accounts of their transactions under [this Part of] this Act in respect of the period between the date of the passing of this Act and the thirty-first day of March next following and of each subsequent period of twelve months ending on that day (each of which periods is in this Part of this Act referred to as a “financial year of the Commission”) in such form and manner as the Board of Trade, with the approval of the Treasury, may direct.

(2) The Board shall, on or before the [ ] day of [ ] in each year transmit to the Comptroller and Auditor General the accounts prepared by the Commission under the preceding subsection for their financial year last ended, and the Comptroller and
Auditor General shall examine and certify them and lay copies thereof, together with his report thereon, before both Houses of Parliament.

Miscellaneous.

Commission not to be exempt from taxation, &c.

22. Nothing in this Act shall be deemed to exempt the Commission from liability for any tax, duty, rate, royalties, welfare levy, or other charge whatsoever, whether general or local.

Prevention of alienation of coal from the Commission.

23.—(1) A power to acquire land compulsorily conferred by or under any enactment (including, unless the contrary intention appears therein, an enactment passed after the date of the passing of this Act) shall not be exercisable on or after the appointed day in respect of any coal or mine of coal, other than coal that is necessary to be dug or carried away for the purposes of operations for the purposes of which the power is conferred or a mine that is necessary to be used for the purposes of such operations.

(2) No right adverse to the title of the Commission to the fee simple in any coal or mine of coal shall be capable of being acquired under the Real Property Limitation Acts, 1833, 1837, and 1874, or any of them, or under any enactment amending any of those Acts (including, unless the contrary intention appears therein, an enactment passed after the date of the passing of this Act).

(3) The Commission shall not alienate the fee simple in any coal or mine of coal, other than coal that is necessary to be dug or carried away for the purposes of operations other than coal-mining or a mine that is necessary to be used for such purposes, or coal present among other minerals that is of so small value that the working thereof is unlikely to be undertaken except as an operation subsidiary to the working of such minerals, or a mine used primarily for the working of minerals other than coal.

(4) In this section references to coal shall not be construed as including references to minerals or substances that are subsidiary coal hereditaments.

(5) This section binds the Crown.
24. On and after the appointed day it shall not be lawful for any person, other than the Commission or a person authorised by them by a coal-mining lease or otherwise so to do, to search or bore for coal.

25.—(1) No under-lease shall be capable of being created by the lessee under a lease granted by the Commission of any coal hereditaments comprised therein.

(2) In every lease granted by the Commission there shall be implied, and every retained lease shall have effect as from the appointed day as if it had contained, a covenant on the part of the lessee or of the lessees jointly and severally, as the case may be, not to assign or to part with the possession of or (in the case of a retained lease) to underlet any coal hereditaments comprised therein without first obtaining the written consent of the Commission, and the covenant shall have effect as a covenant to which section seventy-nine of the Law of Property Act, 1925, applies and which does not contain any such expression of contrary intention as is therein mentioned.

26.—(1) The lessee under every coal-mining lease subsisting at the date of the passing of this Act shall within three months from that date, and the lessee under every coal-mining lease granted after that date and before the appointed day shall, within fourteen days from the date on which the lease is granted, deliver to the Commission a copy of the lease or, if the lease is by parole a statement in writing setting out all the terms of the lease.

A person required by this subsection to deliver a copy of a lease or a statement shall be entitled to be paid by the Commission all costs reasonably incurred by him in the preparation and delivery thereof.

(2) On the appointed day the property in and the right to possession of the following documents relating to the management of coal hereditaments shall vest in the Commission, that is to say, all plans, sections, records of survey and other such documents, that belong immediately before the appointed day to a person interested in coal or a mine of coal, other than—

(a) documents that belonged to the lessee under a retained lease, or to a person claiming under him, and that relate to coal hereditaments
not affected by any direction given under subsection (2) of section eight of this Act as respects interests arising under that lease; and

(b) documents that belong to a person who has duly made application under section twelve of this Act for a grant from the Commission of a lease of any coal hereditaments and that relate to those coal hereditaments.

(3) Where after the appointed day a person retains possession of any document relating to the title to or to the management of coal hereditaments, he shall be deemed to have given to the Commission and to the compensation tribunal an acknowledgement in writing of the right of the Commission and of that tribunal to production of that document and to delivery of copies thereof, and section sixty-four of the Law of Property Act, 1925, shall have effect accordingly (and on the basis that the acknowledgement did not contain any such expression of contrary intention as is mentioned in that section), subject however to the following modification, that is to say, that the references in subsection (4) of that section (which relates to the purposes of production of documents) to the title or claim of the person entitled to request production shall be deemed to include references to the ascertainment of values for the purposes of the provisions of section four of this Act.

This subsection shall have effect without prejudice to any powers exercisable under the Arbitration Acts, 1889 to 1934, by a valuer appointed under the Third Schedule to this Act.

(4) Any person authorised in writing by the Commission, a valuer appointed under the Third Schedule to this Act, and any person authorised in writing by such a valuer, shall be entitled, on production in the case of a person authorised as aforesaid of his authority if so required, with or without workmen or other assistants at all reasonable times to enter upon, inspect and examine any premises where operations for coal-mining purposes or purposes connected therewith are carried on and to take plans and measurements of workings therein and to use free of charge all machinery and other facilities therein requisite or convenient for the exercise of any of the powers aforesaid, and it shall be the duty of all persons competent in that behalf to refrain from
any act which might obstruct, and to give all assistance requisite for, the exercise of the powers conferred by this subsection.

(5) Any person who makes default in compliance with the provisions of subsection (1) of this section, or who, on being duly required by virtue of the provisions of subsection (3) or (4) thereof to produce any document or to do or refrain from doing any other act, makes default in complying with the requirement, shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding fifty pounds, and, in the case of a continuing offence, to a fine not exceeding ten pounds in respect of every day [after conviction] on which the offence continues.

27. Nothing in this Part of this Act shall affect any right of a highway authority to the support of the highway or any right of any person to restrict or prevent the working of any coal under the provisions substituted by section fifteen of the Mines (Working Facilities and Support) Act, 1923, for sections seventy-eight to eighty-five of the Railway Clauses (Consolidation) Act, 1845, under the Public Health (Support of Sewers) Act, 1883, under any private or local Act, or under any order having effect, with or without confirmation by Parliament, under an enactment.

28. This Part of this Act shall have effect in relation to coal hereditaments that are immediately before the appointed day registered land within the meaning of the Land Registration Act, 1925, as if they had not been registered land.

29. (1) The provisions of this Part of this Act, other than the provisions of section six thereof with respect to compulsory orders, shall apply to land belonging to His Majesty or forming part of the possessions of the Duchy of Cornwall, or belonging to a Government department or held in trust for His Majesty for the purposes of a Government department.

(2) In the application of the provisions of this Part of this Act that relate to the payment and disposal of compensation payable under section three of this Act to subjects of compensation that consist of or comprise interests in land specified in the preceding subsection,
those provisions shall have effect subject to the following modifications, that is to say, that the persons entitled to the compensation for such subjects shall be the persons specified in the second column of the Table set out at the end of the Third Schedule to this Act in the case of subjects consisting of or comprising interests in the lands respectively specified in the first column of that Table, and those persons shall dispose of the principal sums and interest attributable to such interests in the manner specified in the third column of that Table.

(3) In this section and in the said Table, "possessions of the Duchy of Cornwall" has the meaning assigned to it by section thirty-seven of the Duchy of Cornwall Management Act, 1863, and "private estates of His Majesty" has the meaning assigned to it by section one of the Crown Private Estates Act, 1862.

[Saving for Forest of Dean.

30. This Part of this Act shall not apply to land in the Forest of Dean or in any other part of the Hundred of Saint Briavels in the county of Gloucester, being land in respect of which the privileges of free miners are exercisable.]

Alternative.

[Application to Forest of Dean.

30.-(1) This Part of this Act shall have effect in its application to land in the Forest of Dean or in any other part of the Hundred of Saint Briavels in the county of Gloucester, being land in respect of which the privileges of free miners are exercisable, subject to the following modifications.

(2) Subsection (1) and subsection (2) of section three of, and the Second Schedule to, this Act shall not have effect, but this Part of this Act shall have effect as if for the said subsections and Schedule there had been substituted the following provision, that is to say, on the appointed day all the estate and interest of the Forestry Commissioners in all unworked coal and mines of coal shall vest in the Commission, subject to and in accordance with the provisions of the Dean Forest (Mines) Act, 1838, and any enactment amending that Act, (in this section referred to as "the Dean Forest enactments") and to all estates, interests, rights, powers and liabilities subsisting or to be created under or by virtue thereof.
(3) Sections eight, nine and ten of this Act shall not have effect.

(4) Provision shall be made by rules made by the Board of Trade under the power in that behalf conferred upon them by the Third Schedule to this Act for treating the said estate and interest vested in the Commission as constituting a separate subject of compensation and the Forestry Commissioners shall be the persons entitled to the compensation therefor.

(5) All powers conferred by the Dean Forest enactments that were vested in the Forestry Commissioners immediately before the appointed day shall continue to be exercisable by them notwithstanding the vesting in the Commission of the said estate and interest, and accordingly rent attributable to the said estate and interest shall continue to be recoverable by the Forestry Commissioners, until other provision in that behalf is made under the next succeeding subsection, but the following provisions shall have effect in relation to such rent, that is to say—

(a) in computing the total amount of the principal and interest payable under section four of this Act by way of compensation in respect of the said estate and interest, there shall be treated as having been paid on account of such compensation all such rent that accrues between the appointed day and the date on which the compensation is paid;

(b) the Forestry Commissioners shall pay to the Commission all such rent recovered by them that accrues after the appointed day;

(c) any difference between the Commission and the Forestry Commissioners as to the amount of the rent to be brought into account, or paid, under the last preceding paragraph shall be determined by [the Treasury].

(6) His Majesty may by Order in Council make provision for vesting in the Commission any of the powers conferred by the Dean Forest enactments that were vested in the Forestry Commissioners immediately before the appointed day in so far as they relate to coal or mines of coal, and any such order may make provision for any requisite modification of the Dean Forest enactments.
The Board of Trade shall lay before Parliament the draft of any Order which it is proposed to recommend to His Majesty in Council to make under this subsection, and no further proceedings shall be taken in relation thereto except in pursuance of an Address presented to His Majesty by both Houses of Parliament praying that the Order may be made in the terms of the draft.

Interpretation

31. In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:

"Appointed day" means such day as may be appointed by order of His Majesty in Council;

"Coal" means bituminous coal, cannel coal, anthracite and lignite or brown coal, and all other solid fuels (except peat and oil shale) which are contained in the earth’s crust, and has also the extended meaning assigned to it by subsection (2) of section three of this Act;

"Coal hereditaments" has the meaning assigned to it by section three of this Act;

"Coal-mining lease" means a lease that confers a right to work and carry away coal;

"Coal-mining purpose" means searching and boring for, winning, working, getting, making merchantable, carrying away or disposing of, coal;

"Compensation date" has the meaning assigned to it by section four of this Act;

"District" means the area for the time being treated under the Coal Mines (Minimum Wage) Act, 1912, as a district for the purposes of the minimum rate;

"Interested in" means, in relation to a person referred to as interested in any coal or mine, or in any other land, any person entitled to, or to exercise, or interested in, or in the exercise of, any estate, interest, charge or power in, on or over that coal or mine or that other land, as the case may be, other than a person entitled or interested as aforesaid in respect only of the benefit of a servitude or restrictive covenant adversely affecting that coal or mine or that other land, as the case may be;
"Lease" includes an under-lease and an agreement under which the right to have a lease or under-lease granted is subsisting; neither "lease" nor "under-lease" includes a mortgage; "lease" and "under-lease" each include a licence (whether personal or by way of profit à prendre) that confers a right to work and carry away coal; and in relation to such a licence the expressions "rent" and "reversion" and other expressions importing a reference to a lease shall be construed accordingly with the requisite adaptations:

"Mine of coal" means a space which is occupied by unworked coal or which has been excavated underground for a coal-mining purpose, and includes a shaft and an adit made for a coal-mining purpose:

"Person claiming under" means, in relation to a person referred to as claiming under the estate owner in respect of the fee simple in any land or as claiming under the lessee under a lease of any land, a person interested in the land in respect of either—

(a) an equitable interest (including an equitable mortgage) or an equitable power enforceable, otherwise than by virtue of a lease taking effect in equity, against such owner or lessee, as the case may be; or

(b) a legal mortgage of the fee simple or of the term of years, as the case may be; or

(c) a rentcharge in possession which confers a right to take the income of the land incident to the fee simple or to the term of years, as the case may be;

and, in the case of land formerly copyhold, includes, in relation to a person referred to as claiming under the estate owner in respect of the fee simple therein, a person interested therein in respect of a right saved by paragraph (5) of the Twelfth Schedule to the Law of Property Act, 1922;

"Prescribed" means prescribed by rules made by the Board of Trade;
"Rent" includes yearly or other rent, and toll, duty, royalty, or annual or periodical payment in the nature of rent, whether payable in money or money's worth or otherwise, but does not include mortgage interest.

"Retained lease" has the meaning assigned to it by section eight of this Act, and references to "premises comprised in", or to "premises subject to", a retained lease shall be construed in accordance with the provisions of that section.

"Servitude" means any liberty, privilege, easement, right or advantage annexed to any land and adversely affecting other land, "surface servitude" means any servitude (other than a right to withdraw support) annexed to coal or a mine of coal in so far as it adversely affects the surface of any land, and "annexed to" means, in relation to any coal or mine, or to any other land, appertaining or reputed to appertain thereto or to any part thereof, or demised, occupied, or enjoyed therewith or with any part thereof, or reputed or known as part or parcel thereof or appurtenant thereto or to any part thereof.

"Unworked coal" means coal that has not been so severed from the earth's crust as to have become a chattel;

"Working facilities right" has the meaning assigned to it by section eleven of this Act.

Application to Scotland 32.—(1) The provisions of this section shall have effect for the purpose of the application of this Part of this Act to Scotland.

(2) "covenant" means agreement or stipulation and "restrictive covenant" shall be construed accordingly and shall include a real burden ad factum praestandum; "demised" means let; "under-lease" means sub-lease, "under-let" and "under-leased" mean sub-let, and any reference to an under-lease derived out of another lease shall be construed as a reference to a sub-lease granted by a superior lessee; "mortgage" means a heritable security and "mortgagor" and "mortgagee" respectively mean the creditor and
the debtor in a heritable security; "premises in mortgage" means premises subject to a heritable security; "chattel" means corporeal moveable; "condition of re-entry" means power to bring a lease to an end or to resume possession; any reference to a term of years shall be construed as a reference to the lessee's interest under a lease; references to a reversion or an immediate reversion or a right of reversion expectant or immediately expectant on a lease shall be construed as references to the interest of the landlord in property subject to a lease; any reference to rent reserved under a lease shall be construed as a reference to rent payable under or stipulated for in a lease.

(3) "person interested" includes in the case of a person interested in any coal or mine of coal, or in other land, any holder of a feudal estate whether of superiority or of property, and any heritable creditor, but does not include a person interested as aforesaid in respect only of the benefit of a servitude or of a real burden ad factum praestandum adversely affecting that coal or mine of coal or that other land, as the case may be; "heritable creditor" means the creditor in a heritable security, and "heritable security" means a heritable security within the meaning of the Conveyancing (Scotland) Act, 1924, exclusive of a real burden ad factum praestandum;

"person claiming under" means, in relation to a person referred to as claiming under the estate owner in fee simple or as claiming under the lessee under a lease of any land

(a) a superior
(b) a heritable creditor
(c) a lessee under a lease other than a coal-mining lease
(d) a person having a personal title capable at the appointed day of being completed by infeftment
(e) a person entitled to demand a conveyance of the land by virtue of a valid and enforceable contract, subsisting at the appointed day;

"superior" includes the Crown (without prejudice to the Crown's inherent right of superiority over all land in Scotland) and a subject superior or mid-superior;

"Rent" does not include feuduty or ground annual.
(4) For references to the Lands Clauses Consolidation Act, 1845, and to section seven, section eighteen, and sections eighty-four to ninety thereof there shall be substituted respectively references to the Lands Clauses Consolidation (Scotland) Act, 1845, and to section seven, section seventeen, and sections eighty-three to eighty-eight thereof; for references to the Railways Clauses Consolidation Act, 1845, and to section seventy-seven and sections seventy-eight to eighty-five thereof there shall be substituted respectively references to the Railways Clauses Consolidation (Scotland) Act, 1845, and to section seventy and sections seventy-one to seventy-eight thereof; for any reference to the High Court or the Supreme Court there shall be substituted a reference to the Court of Session.

(5) Subsection (2) of section twenty-three of this Act shall not apply, but no right adverse to the title to any coal or mine of coal given to the Commission by the vesting thereof in them by this Act shall be capable of being acquired by prescriptive possession.

(6) Subsection (2) of section twenty-five of this Act shall have effect as if all the words occurring after the words "consent of the Commission" were omitted.

(7) Subsection (3) of section twenty-six of this Act shall not apply.

PART II.

Reduction in number of coal-mining undertakings.

33.—(1) The functions of the Coal Mines Reorganisation Commission constituted by Part II of the Coal Mines Act, 1930, are hereby transferred to and shall be performed by the Commission and the Coal Mines Reorganisation Commission shall cease to exist and accordingly the said Part II shall have effect with the substitution, for references therein to the Coal Mines Reorganisation Commission, of references to the Commission.

(2) The payments to be made under the First Schedule to this Act in respect of salaries, allowances, remuneration, pensions and gratuities shall, to the extent to which they are, in the opinion of the Treasury, attributable to the execution of this Part of this Act,
be made by the Board of Trade, and any expenses of the Board under this subsection shall be defrayed out of moneys provided by Parliament.

(3) Section eleven of the Coal Mines Act, 1930, is hereby repealed.

34.—(1) Where in the opinion of the Commission the number of separate undertakings consisting of or comprising coal mines (hereinafter referred to as "coal-mining undertakings") to which the coal in any area is leased is so great as to be detrimental to the economical and efficient working, treating or disposing thereof, it shall be the duty of the Commission, both in granting new leases and in the performance of the duty of promoting and assisting the amalgamation of coal-mining undertakings to be performed by them by virtue of Part II of the Coal Mines Act, 1930, to endeavour to effect a reduction in the number of such undertakings:

Provided that the Commission shall not, under the powers conferred by section thirteen of the said Act, submit to the Board of Trade any scheme under Part I of the Mining Industry Act, 1926, until after the day of nineteen hundred and thirty-nine, nor shall they thereafter exercise the powers of submitting such a scheme except in pursuance of an order made under this section.

(2) After the said day of the Commission may, at any time, if they are of opinion that adequate progress in the reduction of the number of coal-mining undertakings cannot otherwise be made, make a report to the Board of Trade recommending that the powers of the Commission under the said section thirteen of submitting amalgamation and absorption schemes should become exercisable in any area specified in the report as an area in which such progress has in the opinion of the Commission been inadequate, and the Board may give effect to any such recommendation, either wholly or in part, by making an order declaring that it is expedient that the number of coal-mining undertakings should be reduced in that area or in any part thereof specified in the order and directing that the powers aforesaid shall be exercisable either unconditionally or subject to such conditions as may be specified in the order:

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Provided that—

(a) any such order shall so define the area in which the said powers are to become exercisable as to show, so far as practicable, what undertakings are likely to be affected by their exercise; and

(b) before any such order is made, a draft thereof shall be laid before Parliament together with a copy of the report in pursuance of which the order is proposed to be made, and if either House of Parliament, within the next subsequent twenty-eight days on which the House has sat after the order has been laid before it, resolves that the order be not made, no further proceedings shall be taken thereon, but such a resolution shall not prejudice the making of any subsequent order.

(3) The said section thirteen shall have effect subject to the amendments specified in the Eighth Schedule to this Act.

Powers of the Commission as to obtaining information for purposes of Part II.

35.—(1) Any member or officer of, or technical or professional agent appointed by, the Commission, authorised in writing by the Commission to make inquiries on their behalf as to any coal-mining undertaking specified in the authority, may, for the purpose of obtaining information required by them for the discharge of the functions to be performed by them by virtue of this Part of this Act, enter any premises used in connection with the carrying on of that undertaking, and may inspect any such premises and may measure or weigh any stocks, and may take copies or extracts of any accounts, books, plans, or other documents, and may require copies or extracts of any such accounts, books, plans, or other documents to be delivered to the Commission.

(2) The Commission may require the owner of any coal-mining undertaking in an area in which their powers under section thirteen of the Coal Mines Act, 1930, of submitting schemes are exercisable, to prepare such accounts, plans, or other documents, relating to the undertaking and such valuations of the property and liabilities of the undertaking as the Commission consider
necessary for the discharge of the functions aforesaid, and may require copies thereof to be delivered to the Commission.

(3) Any member or officer of, or technical or professional agent appointed by, the Commission, before exercising his powers under subsection (1) of this section shall, if required to do so, produce his written authority to make inquiries on behalf of the Commission as to the coal-mining undertaking with respect to which the powers are exercised; and any person required under this section to deliver any copies or extracts to the Commission shall be entitled to be paid by the Commission all costs reasonably incurred by him in the preparation and delivery thereof.

(4) Any person who, after having had produced to him the written authority of any such member officer or agent as aforesaid, obstruct him in the exercise of his powers under this section or refuses or neglects when required to produce any accounts, books, plans or other documents under his control, any person who refuses or neglects when required to deliver to the Commission any copy or extract of such accounts, books, plans or other documents, and any owner of a coal-mining undertaking who makes default in complying with any requirement made under subsection (2) of this section, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds or, in the case of a person convicted of a second or subsequent offence under this section, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and fine.

36.—(1) No stamp duty shall be payable—

(a) in respect of any amalgamation or absorption scheme confirmed under Part I of the Mining Industry Act, 1926; or

(b) in respect of any amalgamation scheme framed in accordance with the provisions of Part I of that Act by the owners of two or more coal-mining undertakings, if the Board of Trade are satisfied, on the recommendation of the Commission that the scheme is in the national

Exemption from stamp duty in respect of amalgamation or absorption schemes and instruments executed thereunder.
interest, and, on the recommendation of the owners by whom the scheme was framed that it is unnecessary for the purpose of giving effect to the scheme that it should be referred to and confirmed by the Railway and Canal Commission under that Act; or

(c) in respect of any share or loan capital issued, or any conveyance agreement assignment or transfer made, or document executed, or thing done, in pursuance of any scheme exempt from stamp duty under the foregoing provisions of this section, or in pursuance of any arrangements for combining the financial interests in coal-mining undertakings by the formation of holding companies or otherwise, being arrangements approved on the recommendation of the Commission by the Board of Trade as being in the national interest, if in either case the Board certify that the issue, making, execution or the doing thereof is reasonably required for the purposes of such a scheme, or of such arrangements, and of conducing to the more economical and efficient working or disposing of coal.

(2) Subsection (2) of section five of the Mining Industry Act, 1926, and subsection (7) of section thirteen of the Coal Mines Act, 1930, are hereby repealed.

PART III.

AMENDMENT AND CONTINUANCE OF PART I OF THE COAL MINES ACT, 1930.

37. Sections five and eight of the Coal Mines Act, 1930, shall have effect subject to the amendments specified in the Ninth Schedule to this Act, and Part I of that Act (which, by virtue of subsection (1) of section one of the Coal Mines Act, 1932, is limited to expire on the thirty-first day of December, nineteen hundred and thirty-seven) shall, as amended by this Act, continue in force until the thirty-first day of December, nineteen hundred and forty-two, and no longer unless Parliament otherwise determines.
PART IV.

MISCELLANEOUS AND GENERAL.

38.—(1) The miners welfare committee constituted under section twenty of the Mining Industry Act, 1920, shall have power to acquire compulsorily, by means of a compulsory purchase order made by them and submitted to the Board of Trade and confirmed by the Board, a right to use and occupy land for buildings required by that committee, and to acquire compulsorily as aforesaid any other right in respect of any land which may be required by them, for the performance by them of their duty under section seventeen of the Mining Industry Act, 1925, or under subsection (1) of section three of the Mining Industry (Welfare Fund) Act, 1934 (which relate respectively to the provision of accommodation and facilities for workmen taking baths and drying clothes and of accommodation and facilities which can be conveniently and properly combined therewith).

(2) The provisions of the Fourth Schedule to this Act shall have effect in relation to a compulsory acquisition under this section as they have effect in relation to a compulsory acquisition by the Commission of a right under section six of this Act, with the substitution for references to the Commission of references to the said committee:

Provided that an order made in relation to a compulsory acquisition under this section shall make provision for the conveyance to be made either to the Commission or to some other person, as the Board of Trade may think fit, upon such trusts as may appear to them to be requisite for giving effect to the purpose for which the order was made.

39. Subject as hereinafter provided, any person who discloses any information obtained by him in the exercise of powers conferred upon him by section twenty-six or thirty-five of this Act shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and fine:

Provided that nothing in this section shall apply to the disclosure of any information in so far as it is
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PART IV.
—cont.

Liability of directors, &c. of bodies corporate for offences.

40. Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other officer of the body corporate, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Service of notices, &c.

41. Any notice, application in writing or other document required or authorised to be served, made or delivered under this Act may be served, made or delivered either—

(a) by delivering it to the person on whom it is to be served, or to whom it is to be made or delivered; or

(b) by leaving it at the usual or last known place of abode of that person; or

(c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or

(d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office; or

(e) if it is not practicable after reasonable inquiry to ascertain the name or address of a person on whom it should be served, or to whom it should be made or delivered, as being a person having any interest in land, by addressing it to him by the description of the person having that interest in the premises (naming them) to which it relates, and by delivering it to some
person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

5 42. The Board of Trade Arbitrations, &c. Act, 1874 (which relates to the powers of the Board of Trade with respect to inquiries, appointments and other matters under special Acts) shall apply as if this Act were a special Act within the meaning of the first mentioned Act.

10 43. The Commission shall annually, at such date and in such form as the Board of Trade may direct, make to the Board a report as to their proceedings under this Act during the preceding year, and the Board shall lay every such report before Parliament, and the Commission shall also, if at any time they are directed by the Board so to do, make to the Board a report as to any matter relating to their functions specified in the direction.

44.—(1) This Act may be cited as the Coal Act, 1937.

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

FIRST SCHEDULE.

CONSTITUTION AND PROCEDURE OF THE COAL MINES COMMISSION.

1. The Commission shall consist of a chairman and four other members appointed by the Board of Trade [with the approval of the Treasury]. The Board of Trade shall nominate one of the members of the Commission other than the chairman to act as deputy chairman.

2. The appointment of a member of the Commission shall, subject to the provisions of this Schedule, be for such term, not being less than five years or more than ten years, as may be determined by the Board of Trade with the approval of the Treasury before his appointment, and shall be subject to such conditions as may be so determined.

3. A person shall be disqualified for being appointed or being a member of the Commission so long as he is a member of the Commons House of Parliament.

4. A person shall be disqualified for being appointed or being a member of the Commission so long as he is a member, or an officer or servant, of an organisation of employers or of workpeople in the coal-mining industry, a practising mining engineer, or in any other manner directly connected with that industry.

5. A member of the Commission shall, within three months after his appointment, sell or dispose of any interest or securities which he may hold in his own name or in the name of a nominee for his benefit in any undertaking carrying on [in Great Britain] the business of coal mining or supplying or selling coal or the manufacture or sale of by-products of coal or machinery or plant for coal mining.

6. It shall not be lawful for a member of the Commission while he holds office to acquire, directly or indirectly, for his own benefit any interest or securities in any such undertaking as aforesaid, and if a member of the Commission becomes entitled for his own benefit under any will or succession or otherwise to any interest or securities in any such undertaking he shall sell or dispose of it or them within three months after he has so become entitled thereto.
7. If a member of the Commission becomes disqualified for holding office, or is absent from meetings of the Commission for more than six months consecutively except for some reason approved by the Board of Trade, or fails to comply with either of the two last preceding paragraphs, [or becomes in the opinion of the Board unfit to continue in office or incapable of performing his duties as a member of the Commission,] the Board shall forthwith declare his office to be vacant and shall notify the fact in such manner as they think fit, and thereupon his office shall become vacant.

8. The Commission shall appoint a secretary and such other officers, agents and servants as the Commission may determine.

9. (1) There shall be paid out of the revenues of the Commission to the members of the Commission, or to any of them, such salaries and allowances for expenses as the Board of Trade with the approval of the Treasury may determine, and to the secretary, officers, agents and servants of the Commission such salaries and remuneration, and, on retirement or death, such pensions and gratuities, as the Commission may determine.

(2) The payments to be made under this paragraph shall, to the extent to which they are, in the opinion of the Treasury, attributable to the execution of Part I of this Act, be made out of the revenues of the Commission.

10. The Commission may act notwithstanding a vacancy in their number, but a quorum of the Commission shall be not less than two.

11. The seal of the Commission shall be authenticated by the signature of the chairman of the Commission or some other member of the Commission authorised by the Commission to act in that behalf, and of the secretary or some other person authorized by the Commission so to act.

12. Every document purporting to be an order or other instrument issued by the Commission, and to be sealed with the seal of the Commission authenticated in the manner provided by this Schedule, or to be signed by the secretary or any person authorised to act in that behalf, shall be received in evidence and be deemed to be such an order or instrument without further proof unless the contrary is shown.

13. Subject to the provisions of this Schedule, the Commission shall have power to regulate their own procedure.

14. In this Schedule the expression "securities" includes shares, stock, debentures and debenture stock.
SECOND SCHEDULE.

TITLE TO COAL HEREDITAMENTS VESTED IN THE COMMISSION BY THIS ACT:

Provisions as regards matters other than rights to withdraw support.

1.—(1) Subject as in this Schedule provided with respect to rights to withdraw support and subject to the provisions of section eleven of this Act with respect to working facilities rights—

(a) the like title to any coal or mine of coal shall vest in the Commission on the appointed day, and

(b) there shall vest in the Commission with any coal or mine of coal the like property and rights for the like title, and

(c) the title to any coal or mine of coal and to any property or rights vesting therewith given to the Commission by the provisions of section three of this Act and of the preceding sub-paragraphs shall be subject to the like matters, to the like extent and in the like manner, as if all persons interested in the coal or mine had been conveying parties to a conveyance taking effect on the appointed day of the coal or mine to the Commission as purchasers for money or money's worth with notice of all matters whereof notice is material, being a conveyance containing such provisions as are mentioned in paragraph 2 of this Schedule:

Provided that, so far as regards coal or a mine comprised in a retained lease, not being coal or a mine in the case of which a direction is given under subsection (2) of section eight of this Act as respects interests arising under that lease, the lessee thereunder and any person claiming under him shall not be deemed to be a party to the conveyance thereof in respect of any interest of his arising under the lease.

(2) The preceding sub-paragraph shall have effect, in relation to any person entitled to any coal or mine who is not ascertained or not existing or not of full capacity, as if he had been so; in relation to any interest vested in a person who has not power to convey it, as if he had had such power; and, in relation to any interest capable of being conveyed only with some consent or approval or at the request of some person, as if the consent, approval or request had been obtained or made.

2.—(1) The conveyance to be assumed for the purposes of the foregoing paragraph shall be deemed to contain the provisions mentioned in the two succeeding sub-paragraphs, but no other
such term or provision as might have limited the application of
section sixty-two or sixty-three of the Law of Property Act, 1925,
to the conveyance.

(2) The said conveyance shall be deemed to contain a pro-
vision, in relation to any surface servitude, that the conveyance
of the coal or mine of coal to which it is annexed shall be deemed
to include it and shall operate to convey it in a case in which the
persons interested in the coal or mine are not interested in the
surface adversely affected, but that in a case in which any of
those persons is interested in the surface the conveyance shall not
be deemed to include it and shall not operate to convey it further
or otherwise than as it could have been conveyed by them if
none of them had been interested in the surface.

(3) The said conveyance shall be deemed to contain a
 provision, in relation to any coal or mine of coal which is ad-
versely affected by a servitude or a restrictive covenant, that,
where a person who is a conveying party as being interested in
the coal or mine is interested also in land other than coal or a
mine of coal to which that servitude is annexed or with which the
benefit of that covenant runs, he shall be deemed by his con-
vveyance to have reserved that servitude for the greatest estate
or interest for which it could have been reserved by him as
interested in the coal or mine, and the coal or mine shall, so far
as regards the title thereto given to the Commission by his
conveyance thereof, be subject to that restrictive covenant.

3. Where coal or a mine of coal is subject to a servitude which
immediately before the appointed day was annexed both to coal
or a mine of coal and to other land, or is subject to a restrictive
covenant the benefit of which then ran both with coal or a mine
of coal and with other land, the servitude or covenant shall not
be capable of being exercised or enforced on or after the appointed
day by any person claiming as being interested in that other
land, except in so far as it is shown that the exercise or enforce-
ment thereof is reasonably requisite for the convenient enjoyment
of that other land.

Provisions as regards rights to withdraw support.

4. Nothing in the foregoing provisions of this Schedule shall
operate so as to vest in the Commission with any coal or mine
of coal any right to withdraw support from any land supported
thereby.

5.—(1) In a case in which the fee simple in any coal or mine of
coal, or the term of years under a coal-mining lease of any coal or
mine of coal, was vested immediately before the appointed day
in a person other than the person in whom the fee simple in land
supported thereby was then vested, there shall vest in the
commission with the coal or mine such right (if any) to withdraw support from that land, other than a working facilities right, as was then annexed to that coal or mine.

(2) Where the fee simple in any coal or mine of coal and the fee simple in land-supported thereby was vested immediately before the appointed day in the same person, but a right to withdraw support from that land vested in the Commission under the preceding sub-paragraph by reason of the subsistence of a term of years in the coal or mine, the period of the enjoyment of that right shall be extended so as to render it exercisable so long as any coal to which it was annexed remains ungotten.

(3) Subject as provided by the last preceding sub-paragraph, a right vesting in the Commission under this paragraph shall vest in them subject to any restrictions, conditions or obligations subject to which it was created.

6.—(1) In a case in which the fee simple in any coal or mine of coal and the fee simple in land supported thereby was vested immediately before the appointed day in the same person and no coal-mining lease of that coal or mine was then subsisting, there shall vest in the Commission, with that coal or mine, the like right to withdraw support from that land as if all such persons interested in that land at the appointed day as are deemed to be parties to the conveyance of the coal or mine to be assumed for the purposes of paragraph 1 of this Schedule by reason of their being interested also in the coal or mine, had conveyed therewith a right to withdraw support from that land so far as may be reasonably requisite for the working of any coal, subject to an obligation to make good, or to pay proper compensation for,—

(a) damage arising from such working to that land, exclusive of buildings or works thereon; and

(b) subject as hereinafter provided, damage arising from such working to buildings or works thereon.

(2) The Commission shall give public notice by advertisement in one or more newspapers circulating in the locality of any proposal on their part to exercise, or to grant to a lessee the benefit of, a right vested in them by this paragraph, and, in the case of buildings or works whose construction is begun after the date of the first publication of the notice, the obligation imposed by the preceding sub-paragraph shall be limited to damage which could not have been avoided by reasonable and proper precautions taken in the design and construction of the buildings or works to minimise damage in the event of subsidence.

7. On an application under section eight of the Mines (Working Facilities and Support) Act, 1923 (which provides for the imposition by the Railway and Canal Commission of
restrictions on the working of minerals where a person having an interest in land is not entitled to support or to sufficient support for buildings or works), the applicant shall not be required to pay or give any compensation or consideration in respect of the imposition of restrictions appearing to the Railway and Canal Commission to be justified by circumstances due to the subsistence of a right to withdraw support vested in the Commission by paragraph 6 of this Schedule:

Provided that the preceding provisions of this paragraph shall not have effect in the case of an application sent to the Board of Trade after the expiration of six months from the date of the first publication of a notice in relation to the right in question under the said paragraph 6.

Application to Scotland.

This Schedule shall apply to Scotland, subject to the following modifications—

(a) For paragraph 1 the following paragraph shall be substituted—

1. Subject as in this Schedule provided with respect to the vesting of rights to withdraw support, and subject to the provisions of section eleven of this Act with respect to working rights facilities, the provisions of section three of this Act shall give to the Commission as regards any coal or mine of coal the like title thereto and the like rights, subject to the like burdens and restrictions affecting the same as if there had been granted to the Commission and duly recorded in the appropriate Register of Sasines, a conveyance in common form [including a clause of assignation of writs, and with entry at the appointed day] by all persons interested of all their rights, titles and interests in and to the said coal or mine of coal and as if each of such persons had been of full age and capacity, to the effect and intent of vesting the said coal or mine of coal absolutely in the Commission freed from all feudal prestations, and rights in security, if any, and subject only to the inherent right of superiority of the Crown.

(b) Paragraph 2 of this Schedule shall have effect as if subparagraph (1) thereof were omitted.
THIRD SCHEDULE.

Provisions as to Compensation payable under Section Three of this Act.

Separate Subjects of Compensation.

1. Subject to the provisions of paragraph 2 of this Schedule, compensation under section three of this Act shall be ascertained, and the Commission shall pay such compensation, in respect of the following interests subsisting immediately before the appointed day, each of which shall constitute a separate subject of compensation:

(a) each freehold reversion in coal hereditaments (that is to say, in the case of coal or a mine of coal comprised in a coal-mining lease derived immediately out of the fee simple and in the case of property and rights vested in the Commission therewith, the interest therein of the estate owner in respect of the fee simple of the coal or mine together with the interests therein of all persons claiming under him);

(b) each conveyed leasehold reversion in coal hereditaments (that is to say, in the case of coal or a mine of coal comprised in a coal-mining lease that is an underlease, being coal or a mine in the case of which a direction has been duly given under subsection (2) of section eight of this Act, and in the case of property and rights vested in the Commission therewith, the interests therein of the estate owner in respect of the term created by the lease out of which that underlease was immediately derived together with the interests therein of all persons claiming under him);

(c) each ownership in freehold in possession in coal hereditaments in any valuation area (that is to say, in the case of all coal and mines of coal in any valuation area that immediately before the appointed day were not comprised in any coal-mining lease, and that were in the legal ownership as respects the fee simple of the same estate owner and in the case of property and rights vested in the Commission therewith, the interest therein of the estate owner in respect of the fee simple of the coal and mines together with the interests therein of all persons claiming under him).

2.—(1) If the estate owner in respect of a subject of compensation as ascertained under paragraph 1 of this Schedule, or a person claiming under him, makes application in writing in
[1 Edw. 8, & Geo. 6.

Coal.

that behalf to the Commission not later than the expiration of six months from the appointed day and satisfies them that, by reason of the subsistence of different interests in different parcels of coal or different mines in the ownership of the estate owner, the interests in those parcels or mines respectively and in property and rights vested in the Commission therewith ought to be treated as constituting separate subjects of compensation, they shall be so treated.

(2) Provision may be made by rules made by the Board of Trade for the consolidation of two or more subjects of compensation as ascertained under the preceding provisions of this Schedule, or for the division of a subject of compensation as so ascertained into two or more subjects, or for treating as constituting a separate subject of compensation any interests that would otherwise be comprised in a subject or subjects of compensation as so ascertained.

Rules made for the purposes of this paragraph may provide for any such modification of the provisions of section four of this Act and of this Schedule in their application to claims for, and the ascertainment and payment of, compensation for the subjects of compensation to which the rules relate as may appear to the Board of Trade to be requisite or convenient.

Notices of claims for compensation and investigation thereof.

3.—(1) A notice of claim shall be in the prescribed form and must be served by the person entitled to the compensation for the subject of compensation to which the claim relates or by a person having an interest comprised in that subject, and there must be furnished to the Commission with the notice the prescribed particulars, verified in such manner by statutory declaration or otherwise as the Commission may reasonably require,—

(a) of the coal or mine to which the claim relates;

(b) of any property or rights claimed to have vested in the Commission with the coal or mine;

(c) where the claim is in respect of a freehold or leasehold reversion, of the lease or underlease in which the coal hereditaments to which the claim relates are claimed to have been comprised, or, where the claim is made in respect of an ownership in freehold in possession, of the person in whose ownership as estate owner in respect of the fee simple those hereditaments are claimed to have been; and

(d) of any matters to which the title of the Commission to those coal hereditaments may be subject.

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(2) There must further be furnished to the Commission with a notice of claim such particulars, verified as aforesaid, of the title to the coal or mine to which the claim relates as may be prescribed for the purpose of enabling the Commission—

(a) to satisfy themselves that the notice is served by a person qualified in that behalf under the preceding sub-paragraph; and

(b) to ascertain who is the person entitled to the compensation:

Provided that if the person by whom a notice of claim is served satisfies the Commission that he is unable to furnish any of the particulars required by this sub-paragraph with the notice, the requirements thereof shall be deemed to have been satisfied as to those particulars if they are furnished within the prescribed period after the date of the service of the notice.

(3) The person by whom a notice of claim was served shall, on being requested by the Commission or the compensation tribunal so to do, give to them such further information with respect to the subject of compensation to which the claim relates as they may reasonably require for the purposes of the discharge of their functions under this Schedule.

4.—(1) Any person interested in a subject of compensation who, not later than the expiration of six months from the appointed day, serves upon the Commission a request in writing in that behalf shall be entitled to be furnished by the Commission with a copy of any notice of claim in respect of that subject which may be served upon them by any other person and to inspect the particulars furnished in relation thereto.

(2) In this Schedule references to the person by whom a notice of claim was served, or to a person entitled under this paragraph to a copy of such a notice, shall, in a case in which such a person dies or becomes incapable of acting, be construed as references to a person substituted for that person in accordance with rules.

5.—(1) The Commission shall examine a notice of claim duly served on them with respect to the questions—

(a) whether any property or rights claimed to have vested in the Commission with the coal or mine to which the claim relates did so vest, and whether there vested in the Commission therewith any property or rights not claimed to have so vested;

(b) whether all the coal hereditaments claimed to have been comprised in a lease or underlease were so comprised;

(c) in a case in which any of the coal hereditaments claimed to have been in the ownership of a person as estate
owner in respect of the fee simple are claimed by another duly served notice to have been so in the ownership of a different person, whether they were so in the ownership of the first-mentioned person;

5 (d) whether the title of the Commission to the coal hereditaments to which the claim relates is subject to any matters specified in that behalf in the particulars furnished, and whether it is subject to any matters not therein specified;

10 and with respect to any other question whose determination appears to the Commission to be requisite.

(2) The Commission shall consider any representation with respect to a notice of claim which a person entitled under the last preceding paragraph to a copy of the notice may make to them within one month from the date on which a copy thereof is furnished to him.

15 (3) If any difference arises as to any of the questions aforesaid between the Commission and the person by whom the notice of claim was served, or a person who has duly made a representation thereon as aforesaid, or a person by whom another notice of claim affecting any of those questions has been duly served, the Commission shall make an application to the High Court for the determination of the difference and the difference shall be determined by that Court.

20 6. When the Commission have examined a notice of claim duly served upon them and have satisfied themselves as to the matters referred to in the last preceding paragraph in agreement with the persons therein mentioned, or any difference as to any of those matters has been determined by the Court, the Commission shall notify to the compensation tribunal the particulars of the subject of compensation as furnished to the Commission, or as modified by them in agreement as aforesaid or in accordance with a determination of the Court, as the case may be, and the compensation tribunal shall proceed to ascertain the value thereof in accordance with the succeeding provisions of this Schedule.

7. The inclusion of any property or rights in the particulars of a subject of compensation duly notified to the compensation tribunal under the last preceding paragraph shall be conclusive evidence that the property or rights were included in the coal hereditaments in which the subject of compensation subsisted as against the estate owner in respect thereof, and all persons claiming under him, and their successors in title respectively, and on any application to the Court under paragraph 5 of this Schedule the Court may, at the request of the Commission, if the Court thinks fit, make a declaration with respect to any matter to be determined on the application so as to be binding on any other person.
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Constitution of Compensation Tribunal.

8. The Board of Trade shall, after consultation with the chairman of the Mineral Owners Joint Committee and the president of the Chartered Surveyors Institution, appoint such number of persons having experience in the valuation of coal hereditaments as the Board think requisite to be members, together with a competent and impartial person appointed by the Board after such consultation as aforesaid to act as chairman, of a tribunal to perform the functions assigned by this Act to the compensation tribunal.

9. A person appointed under the last preceding paragraph shall hold office for such term as the Board of Trade may determine at the time of his appointment, and shall be entitled to be paid by the Commission remuneration at such rate as may be fixed by the Board of Trade at the time of his appointment.

10. A member of the compensation tribunal other than the chairman shall devote the whole of his time to the performance of the functions aforesaid and shall not, whilst holding office, be in partnership with any person who engages in the business of a valuer or of a mineral surveyor or in any similar business. A member of the compensation tribunal who contravenes the provisions of this paragraph shall be liable on summary conviction to a fine not exceeding ten pounds in respect of every day on which he acts in contravention thereof.

11. The Board of Trade shall prescribe areas that are to be treated as valuation areas for the purposes of this Act and the compensation tribunal shall assign the said areas to its members respectively other than the chairman, and shall delegate to the member to whom any valuation area is assigned the function of ascertaining, subject to the observance of directions to be given by the tribunal for securing uniformity in the valuation of all subjects of compensation, and certifying, the value of subjects of compensation that subsisted in coal hereditaments situated in that area.

12. The Board of Trade shall appoint such number of persons as they think fit to assist each valuer and the chairman of the compensation tribunal in the discharge of their respective functions. A person so appointed shall act in accordance with such directions as may be given by the person whom he is appointed to assist, and shall be entitled to be paid by the Commission remuneration at such rate as may be fixed by the Board of Trade at the time of his appointment.
13. A valuation of a subject of compensation consisting of an ownership in freehold in possession in coal hereditaments which, or any part of which, a person is entitled by virtue of an application duly made under section twelve of this Act to have comprised in a lease to be granted to him, shall be made in like manner as if such a lease as is to be granted, comprising those hereditaments, or that part thereof, as the case may be, had been subsisting immediately before the appointed day.

14. In valuing any subject of compensation, no allowance shall be made on account of the compulsory vesting in the Commission of the coal hereditaments in which the subject of compensation subsisted.

15. For the purposes of the valuation of a subject of compensation, regard shall be had to the state in which the coal hereditaments in which that subject of compensation subsisted were immediately before the appointed day.

Procedure of valuers.

16. In the ascertainment of the value of a subject of compensation the valuer shall give to the person by whom the notice of claim was served, and to any person entitled under paragraph 4 of this Schedule to a copy of the notice, an opportunity of being heard if he so desires, and those persons shall be entitled to call one (and, unless the valuer otherwise directs, not more than one) expert witness to give evidence as to the value of the subject of compensation to which the notice relates. In the event of difference between the persons aforesaid as to the person to be called as an expert witness, the difference shall be determined by the valuer.

17. As soon as may be after the valuation of a subject of compensation has been completed, the compensation tribunal shall certify the amounts ascertained by him to the Commission in accordance with the provisions of section four of this Act, and the Commission shall send a copy of the certificate to the person by whom the notice of claim was served.

18. Subject as aforesaid, the procedure before a valuer shall be such as the Board of Trade may determine.

19. The provisions of the Arbitration Acts, 1889 to 1934, with respect to—

(e) the administration of oaths and the taking of affirmations;
(b) the correction of mistakes and errors in awards; and
(c) the summoning, attendance and examination of witnesses
and the production of documents;

shall apply in respect of proceedings before a valuer, but
save as aforesaid the said Acts shall not apply to or at any such 5-
proceedings.

Disposal of compensation as between the Commission and
the person entitled.

20. The person entitled to the compensation for any subject
of compensation shall be ascertained as follows:—

(a) if the subject of compensation consists solely of a fee
simple or term of years that was vested immediately
before the appointed day in a single person absolutely
entitled in equity, he shall be the person entitled;

(b) if the subject of compensation could, immediately before
the appointed day, have been sold and conveyed to a
purchaser in such manner as to bind or over-reach
all estates and interests of the estate owner in respect of
the subject of compensation and of all persons claiming
under him (either in the actual circumstances or if any
requisite consent or approval had been obtained)—

(i) under the powers conferred by the Settled Land
Act, 1925, or under any additional powers conferred
by a settlement, or
(ii) by trustees for sale, or
(iii) by a personal representative in the exercise
of his paramount powers, or
(iv) under powers conferred by any other enact­
ment,

the person who could have given a valid discharge for
the purchase money arising on such a sale if paid on
the date on which the compensation is paid shall be
the person entitled;

(c) in a case in which either of the preceding sub-paragraphs
would have applied but for the subsistence of a mortgage
not capable of being over-reached as mentioned in the
last preceding sub-paragraph—

(i) except in a case in which immediately before
the appointed day the mortgagee or a receiver
appointed by him was in possession, or in receipt of
the income, of the premises in which the subject of
compensation subsisted, the Commission may serve
notice in writing on the mortgagee that they propose
to act under this provision, and, if within one month after service of the notice, the mortgagee does not give notice in writing to the Commission that he objects to their so acting, the person who would have been entitled if sub-paragraph (e) or (b), as the case may be, of this paragraph had applied, shall be the person entitled;

(ii) in the excepted case aforesaid, and in a case in which the Commission do not think fit to serve notice as aforesaid or a mortgagee served with such a notice gives notice of objection as aforesaid, the mortgagee shall be the person entitled;

(d) in any other case, and also in any such case as aforesaid if the Commission consider it expedient in order to avoid expense or delay or for any special reason, the Commission may make payment to the proper officer of the Supreme Court or, in a case where the sum to be paid does not exceed five hundred pounds, of the county court, in accordance with rules of court, or to trustees appointed by the Commission, and that officer or the trustees, as the case may be, shall be the person entitled.

21.—(1) Where before the valuation of a subject of compensation has been completed the valuer is satisfied that the value thereof will be ascertained to be not less than a particular amount, he may transmit to the Commission a certificate to the effect that he is so satisfied specifying that amount, and after receiving such a certificate, or a certificate transmitted under paragraph 17 of this Schedule, the Commission may make before the compensation date on account of the compensation in respect of the subject of compensation to which the certificate relates such payment, calculated by reference to the sum specified in the certificate, as they think fit.

(2) Any payment on account of compensation made under this Act before the compensation date shall, for the purpose of ascertaining the total amount payable under section four of this Act in respect of the principal sum and the interest respectively payable thereunder, be brought into account as between the Commission and the person entitled as a payment on account of principal.

Disposal of compensation as between beneficial interests.

22. The compensation paid in respect of any subject of compensation and the income thereof shall be held and disposed of for the benefit of the persons whose interests in any coal hereditaments are comprised in that subject and their successors in title respectively, in such manner as to confer on them the like
benefits, so far as may be, as they would have had from those coal hereditaments and the income thereof if the vesting in the Commission had not taken place.

23. Where compensation is paid to a person entitled by virtue of sub-paragraph (c) (i) of paragraph 20 of this Schedule and the security under the mortgage in question includes, in addition to an interest in coal hereditaments comprised in the subject of compensation, other property, the Commission may, with the consent of the mortgagee, by order direct that the compensation shall be disposed of as if the mortgage had not included that interest and that the other property shall stand charged with the whole of the principal and interest secured by the mortgage.

Costs of compensation proceedings.

24.—(1) Subject to the provisions of this paragraph the Commission shall be liable to pay the costs of—

(a) the preparation and service, and of the examination by the Commission, of a notice of claim;

(b) an application made to the Court under paragraph 5 of this Schedule;

(c) proceedings before a valuer; and

(d) the distribution by the Court of a sum paid into Court under paragraph 20 of this Schedule.

(2) The Treasury shall prescribe a scale of costs to be paid under the preceding sub-paragraph in the case of proceedings before a valuer.

(3) In case of difference as to the amount of the costs, other than costs of Court proceedings, to be paid under sub-paragraph (1) of this paragraph, the Board of Trade may direct in what manner they are to be taxed.

(4) Unless the valuer otherwise directs, the Commission shall not be liable to pay any such costs as aforesaid, other than costs of Court proceedings, where the subject of compensation in question is ascertained by the valuer to have no value.

(5) The Court may direct that the Commission shall not be liable to pay any such costs as aforesaid, being costs of Court proceedings incurred by a party thereto who appears to the Court to have been guilty of any such unreasonable failure to agree with the Commission or any other party, or of any such negligence or default, as to disentitle him to payment thereof, or being costs of Court proceedings relating to a subject of compensation that is ascertained by the valuer to have no value.
Application to Scotland.

25. The foregoing provisions of this Schedule shall apply to Scotland, subject to the following modifications—

(i) For heads (a), (b) and (c) of paragraph 1 the following shall be substituted—

(a) in the case of coal or a mine of coal comprised in a coal-mining lease (not being a sub-lease) and in the case of property and rights vested in the Commission with such coal or mine of coal, the interest of that person, together with the interests therein of all persons claiming under him;

(b) in the case of coal or a mine of coal comprised in a coal-mining lease that is a sub-lease being coal or a mine of coal in the case of which a direction has been duly given under subsection (2) of section eight of this Act, and in the case of property and rights vested in the Commission with such coal or mine of coal, the interest of that person, together with the interests therein of all persons claiming under him;

(c) in the case of all coal and mines of coal in any valuation area that immediately before the appointed day were not comprised in any coal-mining lease, and that were in the ownership of the same person, as proprietor of the dominium utile (hereinafter referred to as the estate owner in respect of the fee simple), and in the case of property and rights vested in the Commission with such coal or mine of coal, the interest of that person, together with the interests therein of all persons claiming under him.

(ii) For paragraph 19 the following paragraph shall be substituted—

19. The Court of Session or the sheriff court shall in respect of proceedings before a valuer have the like powers to grant warrant to enforce the attendance of witnesses or the production of documents as if the valuer were an arbiter, and the valuer shall have power to examine witnesses on oath or affirmation.

(iii) For paragraph 20 the following paragraph shall be substituted—

20. The person entitled to payment of the compensation shall be ascertained as follows—

(a) Where the whole interests comprised in one subject of compensation are vested in one person, he shall be the person entitled;
(b) if the subject of compensation could, immediately before the appointed day have been sold and conveyed to a purchaser

(i) by any person or persons holding the same in a fiduciary capacity, or

(ii) by the heir at law duly served of a deceased owner, or

(iii) under powers conferred by any enactment in such manner as to give the purchaser a valid title free from all feudal prestations and subject only to the inherent right of superiority of the Crown, the person or persons who could have given a valid discharge for the purchase money arising on such a sale if paid on the date on which the compensation is paid shall be the person entitled;

(c) in a case in which either of the preceding sub-paragraphs would have applied but for the existence of the rights of a superior or the subsistence of a heritable security

(i) except in a case in which immediately before the appointed day the creditor in a heritable security was in possession of the premises in which the subject of compensation subsisted or any part thereof the Commission may serve notice in writing on the superior or the creditor or both, as the case may be, that they propose to act under this provision, and if within one month after the service of the notice no superior or creditor gives notice in writing to the Commission that he objects to their so acting, the person who would have been entitled if sub-paragraph (a) or (b), as the case may be, of this paragraph had applied shall be the person entitled;

(ii) in the excepted case the Commission may serve notice on the superior or superiors, if any, that they propose to act under this provision and if within one month after the service of the notice no superior gives notice in writing to the Commission that he objects to their so acting the creditor in the heritable security shall be the person entitled;
(d) in any other case and also in any such case as aforesaid if the Commission consider it expedient in order to avoid expense or delay or for any other special reason the Commission shall consign or deposit the compensation in a bank subject to the orders of the Court of Session or, where such compensation does not exceed five hundred pounds, of the sheriff court, and the compensation shall thereafter be paid in such proportions to such persons as the Court of Session or sheriff court, as the case may be, shall determine:

Provided that in the case of any person under disability or holding under a limited title the Court of Session or the sheriff court may direct that any compensation in which such person may have an interest shall be invested, distributed or otherwise applied in such manner as the Court of Session or the sheriff court may deem just.

(iv) For paragraph 23 the following paragraph shall be substituted—

23. Where any coal or mine of coal or other property or rights vested in the Commission by virtue of this Act shall, immediately prior to the appointed day, be subject to a feu-duty or a heritable security, which affects also other property not so vested, and compensation is paid to the person entitled to such feu-duty or the creditor in such heritable security, such person or creditor shall be bound to execute a discharge or deed of restriction to such extent and on such conditions as, may, failing agreement, be determined by the sheriff. The Commission shall be liable to pay the costs incurred in connection with the execution and recording in the Register of Sasines of any such discharge or deed of restriction as the same may be taxed by the auditor of the sheriff court.

(v) In this Schedule references to a freehold reversion, a conveyed leasehold reversion, and an ownership in freehold in possession, shall be construed respectively as references to the whole interests specified in heads (a), (b) and (c) of the paragraph directed by sub-paragraph (i) of this paragraph to be substituted for paragraph 1.
### Table

<table>
<thead>
<tr>
<th>Land</th>
<th>Person entitled</th>
<th>Manner of disposal of principal and interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land under the management of the Commissioners of Crown Lands.</td>
<td>The Commissioners of Crown Lands.</td>
<td>As capital and income respectively of the land revenues of the Crown.</td>
</tr>
<tr>
<td>Land held by His Majesty in right of the Duchy of Lancaster.</td>
<td>The person to whom the purchase money for land sold under the Duchy of Lancaster Lands Act, 1855, is payable.</td>
<td>As sums representing such purchase money and sums representing interest thereon respectively.</td>
</tr>
<tr>
<td>Land held by His Majesty in right of His private estates.</td>
<td>Such person as may be nominated under His Majesty's royal sign manual.</td>
<td>In such manner as His Majesty may be pleased to direct.</td>
</tr>
<tr>
<td>Land forming part of the possessions of the Duchy of Cornwall.</td>
<td>The person to whom gross sums of money receivable in respect of a sale of any of the said possessions under the Duchy of Cornwall Management Acts, 1863 to 1893, are payable.</td>
<td>As such gross sums and sums representing interest thereon respectively.</td>
</tr>
<tr>
<td>Land belonging to a Government department or held in trust for His Majesty for the purposes of a Government department.</td>
<td>[Such person as the Treasury may direct.]</td>
<td>[In such manner as the Treasury may direct.]</td>
</tr>
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FOURTH SCHEDULE.

A.D. 1937.

PROVISIONS AS TO COMPULSORY ACQUISITION OF ANCILLARY RIGHTS.

Procedure for submission and confirmation of orders.

1. A compulsory purchase order shall be in the prescribed form and shall—
   (a) describe the nature of the right and, by reference to a map, the land in respect of which it is proposed to be acquired, with particulars, if deviations are to be permitted, of the limits thereof; and
   (b) specify whether the right is proposed to be acquired in perpetuity or for a limited period, and the means by which it is proposed to be conveyed to the Commission.

2. A compulsory purchase order shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—
   (a) the Lands Clauses Acts;
   (b) the Acquisition of Land (Assessment of Compensation) Act, 1919; and
   (c) section seventy-seven of the Railways Clauses Consolidation Act, 1845.

3. The modifications subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows:—
   (a) the compensation or consideration to be paid or given in respect of the acquisition or exercise of the right (whether by way of a lump sum payment or of rent or of an obligation to make good, or to pay proper compensation for, damage done, or otherwise) shall be determined by agreement, or, in default of agreement, by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act, 1919, in accordance with the provisions of that Act, subject, however, to the provisions of section six of this Act and of this Schedule relating to the compensation or consideration to be paid or given in certain cases;
   (b) the power conferred by section seven of the Lands Clauses Act, 1845, upon persons under a disability to sell, convey and release lands, and to enter into all the necessary agreements for that purpose, shall include power to any such persons to grant any right
A.D. 1937. proposed to be acquired, and to enter into any agree­ment therefor;

(4th Sch.)—cont.

c) where the right to be acquired is not the estate in fee simple absolute in any land—

(i) for references in section eighteen of the Lands Clauses Act, 1845, to land to be purchased or taken, there shall be substituted references to land in respect of which the right is proposed to be acquired;

(ii) the grant to the Commission of any right proposed to be acquired shall be in such form and subject to such terms and conditions as may be determined by agreement, or, in default of agreement, by an arbitrator selected by agreement between the parties or, in default of agreement, by the Board of Trade;

(d) Where the land in respect of which the right is proposed to be acquired is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded in respect of the ac­quisition of the right, or to be paid by way of com­pensation for damage to be sustained by the owner of the land by reason of severance or injury affecting the land shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

4. Before submitting the order to the Board of Trade the Commission shall—

(a) publish in one or more newspapers circulating in the locality a notice in the prescribed form stating the fact of an order having been made and describing the land in respect of which the right is proposed to be acquired, and stating a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(b) serve in the prescribed manner on every owner, lessee and occupier (except tenants for a month or less period than a month) of the said land a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Board for confirmation, and specifying the time within and the manner in which objections thereto can be made.

5.—(1) If within the prescribed period no objection is duly made to the order by any of the persons upon whom notices are required to be served, or if all such objections so made are with­drawn, then, subject to the provisions of this Schedule, the Board
may, without further inquiry, confirm the order either with or without modification, but in any other case the Board shall before confirming the order, appoint a competent and impartial person, not being a person in the employment of any Government Department to hold a public inquiry in the locality, and shall consider the report of the person who held the inquiry and all objections made thereat, and may then confirm the order either with or without modification:

Provided that the Board may require any person who has made an objection to state in writing the grounds thereof, and may confirm the order without causing a public inquiry to be held, if they are satisfied that every objection duly made relates exclusively to matters which could be dealt with by the arbitrator to whom questions of disputed compensation are to be referred.

(2) The Commission and all persons interested in the land in respect of which the right is to be acquired, and such other persons as the person holding the inquiry in his discretion thinks fit to allow, shall be permitted to appear and to be heard at an inquiry held under this paragraph.

6. An order as confirmed by the Board shall not authorise the compulsory acquisition of any right which the order would not have authorised them so to acquire if it had been confirmed without modification.

7. Where a right to be acquired is to be granted on the termination of a lease subsisting on the appointed day, or of a lease substituted for such a lease under section ten of this Act, and a similar right was comprised in that lease, the arbitrator, in determining whether any compensation or consideration is to be paid or given in respect of the acquisition or exercise of the right and the amount thereof, if any, shall have regard to the fact that that similar right was comprised in that lease and to the amount of the rent reserved by that lease in respect thereof.

8. For the purpose of determining any compensation or consideration to be paid or given, the rent, if any, at which the land has been let, the rent at which it can be let for purposes other than coal-mining purposes, the loss, if any, caused to the owner by severance, the terms and conditions of the acquisition, including any reservation of sporting or fishing rights, and all the other circumstances connected with the land, shall be taken into consideration.
4TH SCH. —cont.

9. On the determination of any tenancy created pursuant to the order, any questions as to the amount due by the Commission or their lessees for depreciation shall, in default of an agreement, be determined by arbitration.

10. Where the land is subject to a mortgage, any lease made in pursuance of the order by the mortgagor or mortgagee in possession shall have the like effect as if it were a lease authorised by section ninety-nine of the Law of Property Act, 1925.

11. Where the Commission are authorised by an order confirmed under this section to acquire a right compulsorily, then, at any time after notice to treat has been served, the Commission, or, if so authorised in that behalf by the Commission, the lessee under a coal-mining lease that comprises premises for the benefit of which the right is to be acquired, may, after giving to the owner and to the occupier of the land in respect of which the right is proposed to be acquired not less than fourteen days' notice, enter on and take possession of the land to such extent as may be requisite for the exercise of the right, without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to the payment by the Commission of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

12. With respect to an order authorising the extinguishment of a servitude or to the discharge of a restrictive covenant, this Schedule shall have effect subject to the following modifications, that is to say:

(a) the order shall describe by reference to a map, and the notice required to be published by sub-paragraph (a) of paragraph 4 of this Schedule shall describe,—
   (i) in the case of the extinguishment of a servitude, both the land to which it is annexed and the land affected thereby; and
   (ii) in the case of the discharge of a restrictive covenant, both the land for the benefit of which the covenant runs and the land subject to the burden thereof;
(b) for references to the right to be acquired there shall be substituted references to the servitude to be extinguished or to the restrictive covenant to be discharged, as the case may be;
(c) for references to the grant of the right there shall be substituted references to the release of the easement to be extinguished or to the restrictive covenant to be discharged, as the case may be;

(d) for references to the land in respect of which the right is to be acquired there shall be substituted references to the land to which the servitude to be extinguished is annexed, or with which the benefit of the restrictive covenant to be discharged runs.

13. In construing for the purposes of this Schedule or any order made thereunder, any enactment incorporated with the order, this Act, together with the order, shall be deemed to be the special Act, and the Commission shall be deemed to be the promoters of the undertaking, and the word "land" shall be deemed to include any interest in land and any servitude.

Application to Scotland.

14. This Schedule shall apply to Scotland subject to the following modifications—

(i) Paragraph 3 shall have effect as if head (d) were omitted therefrom;

(ii) paragraph 10 shall not apply;

FIFTH SCHEDULE.

ENFORCEMENT OF SUBSISTING COAL-MINING LEASES DURING TRANSITIONAL PERIOD.

1. In this Schedule the expression "lease under receivership" means a lease in the case of which by virtue of section nine of this Act the provisions of this Schedule for the time being have effect.

2. Subject to the provisions of the next succeeding paragraph, rent reserved by a lease under receivership and the benefit of every covenant or provision therein contained having reference to the subject-matter thereof and on the lessee's part to be observed or performed, and every condition of re-entry and other condition therein contained, shall be capable of being recovered, received, enforced and taken advantage of by a Receiver appointed by the Commission to act for the purposes of this Schedule in relation to that lease, and not otherwise, and the provisions of Part V of the Law of Property Act, 1925, shall, in their operation in relation to that lease, have effect subject to the provisions of this paragraph.

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3.—(1) A Receiver shall, for the purpose of ascertaining the amount to be recovered by him in respect of rent reserved by a lease under receivership that comprises both coal or a mine which was underleased immediately before the appointed day and in the case of which a direction is given under subsection (2) of section eight of this Act as respects interests under the lease and also premises other than the coal hereditaments affected by the direction, apportion provisionally the rent reserved by the lease as between the parts thereof attributable respectively to the coal hereditaments affected by the direction and to the other premises comprised in the lease.

(2) A Receiver shall not have power to recover any part of the rent reserved by a lease under receivership that is apportioned under the preceding sub-paragraph to the coal hereditaments therein mentioned.

4.—(1) A Receiver shall, for the purpose of the distribution by him of rent received in respect of a lease under receivership that comprises both coal hereditaments the immediate reversion wherein is vested in the Commission and other premises, apportion the rent as between the parts thereof attributable respectively to those coal hereditaments and to those other premises.

(2) A Receiver shall pay all rent received by him for any period in respect of a lease under receivership, being rent reserved by a lease that comprises only coal hereditaments the immediate reversion wherein is vested in the Commission or premises, apportion the rent as between the parts thereof attributable respectively to such coal hereditaments, to the person or persons who, if this Act had not been passed, would have been entitled, in right of the reversion immediately expectant on that lease or of any superior reversion, to rent for that period in respect of the coal hereditaments in respect of which the rent so received by the Receiver was reserved, or to which it was apportioned by him, as the case may be, in proportion if more than one to the net amounts to which those persons respectively would have been so entitled (that is to say the amounts which they would have been entitled to receive in respect of such rent less any amounts in respect thereof the burden of which would have fallen upon them).

(3) A Receiver shall pay all rent received by him in respect of a lease under receivership, being rent that is apportioned under sub-paragraph (1) of this paragraph to the other premises therein mentioned, to the person who, if the lease had not been under receivership, would have been entitled in right of the reversion immediately expectant on that lease, to receive that rent.

5. A Receiver may make provisionally any apportionments other than as aforesaid appearing to him to be requisite for giving effect to the provisions of this Schedule.
6.—(1) A Receiver shall transmit to the compensation tribunal particulars of rent received by him, and of apportionments made by him, in respect of a lease under receivership, and the tribunal shall cause those apportionments to be reviewed by the valuer charged under the Third Schedule to this Act with the function of ascertaining the value of interests in premises situated in the valuation area in which the premises comprised in that lease are situated.

(2) When the said apportionments have been reviewed, the valuer shall transmit the said particulars to the Commission, specifying any amendments of the said apportionments appearing by the review thereof to be requisite.

(3) An apportionment amended as specified under the last preceding sub-paragraph is in this Schedule referred to as a final apportionment.

7.—(1) In computing the total amount of the principal and interest payable under section four of this Act by way of compensation in respect of any reversion, there shall be treated as having been paid on account of such compensation all rent received by a Receiver in respect of a lease under receivership on which that reversion was expectant and paid to a person in right of that reversion under paragraph 4 of this Schedule (whether under sub-paragraph (2) or under sub-paragraph (3) thereof) less an amount equal to—

(a) any part of the rent so received that accrued before the lease came under receivership; and

(b) any part of the rent so received that appears by the relevant final apportionments to have been attributable to premises comprised in the lease the immediate reversion wherein is not vested in the Commission;

and for the purposes of this sub-paragraph the date on which any rent that is to be treated as having been paid on account of compensation was paid shall be deemed to be the date of the payment on account.

(2) Where rent that under the preceding sub-paragraph is to be treated as paid on account of the compensation for any reversion has been paid to a person other than the person entitled to the compensation for that reversion, the person entitled may recover an amount equal to that payment as a simple contract debt from the person to whom the payment was made.

(3) Notwithstanding the foregoing provisions of this paragraph, as between the persons beneficially interested in the capital and income respectively of the compensation for any reversion, so much of any rent, that under sub-paragraph (1) of this paragraph is to be treated as paid on account of such compensation, as would have been applicable as income if that reversion had not been vested in the Commission as regards the
8. Where rent reserved by such a lease as is mentioned in paragraph 3 of this Schedule has been recovered by a Receiver on the basis of a provisional apportionment made under that paragraph—

(a) if the rent finally apportioned to the premises comprised in the lease other than the coal hereditaments affected by the relevant direction exceeds the rent recovered, the Receiver shall be entitled to recover the excess as a simple contract debt from the lessee from whom the rent was recovered and shall pay it to the person who, if the lease had not been under receivership, would have been entitled to recover the rent in respect of those premises;

(b) if the rent recovered exceeds the rent finally apportioned to those premises, the lessee from whom the rent was recovered shall be entitled to recover the excess as a simple contract debt from the Commission.

9. Where a Receiver receives any rent otherwise than in money, he shall sell the property received, and references in this Schedule to rent shall be construed in relation to any property so received as references to the net proceeds of sale thereof.

10. Any sum received by a Receiver in respect of a lease under receivership other than rent reserved thereby shall be held by him in trust—

(a) in so far as the liability of the person from whom that sum was recovered was a liability in respect of an event occurring or of a period elapsing before the lease came under receivership, for the person who would have been entitled to recover that sum from the lessee or other person liable to pay that sum if this Act had not been passed;

(b) in so far as that liability was a liability in respect of an event occurring or of a period elapsing after the lease came under receivership, for the person who would have been entitled as aforesaid and the Commission in the proportions respectively in which that liability was incurred in respect of premises the immediate reversion wherein is deemed to be conveyed to the Commission and of other premises respectively.

11. A Receiver may require any person claiming to be entitled to have payments made to him by the Receiver under
this Schedule to furnish such evidence, documentary or otherwise, for that purpose as the Receiver may reasonably require.

12. A Receiver may retain out of any sums received by him in his capacity as a Receiver, in priority to the payments which he is required under the preceding provisions of this Schedule to make, such percentages by way of remuneration as may be determined by the Commission, and in determining the amount thereof the Commission shall have regard to the percentages commonly allowed for the remuneration of persons employed before the appointed day in the collection of rents reserved by coal-mining leases.

13.—(1) The provisions of this paragraph shall have effect with respect to the assessment, collection and recovery of mineral rights duty and of royalties welfare levy in respect of coal hereditaments comprised in a lease under receivership.

(2) In relation to a lease under receivership the lessee whereunder is a working lessee within the meaning of section twenty-four of the Finance (1909–10) Act, 1910, the Receiver shall be deemed to be the immediate lessor for the purposes of the provisions of that Act relating (as originally enacted and as applied by Part III of the Mining Industry Act, 1926) to the assessment, collection and recovery of the said duty and levy.

(3) Where a Receiver pays any duty or levy as being deemed by virtue of the last preceding sub-paragraph to be the immediate lessor under any lease under receivership, the Receiver shall make the appropriate deductions in respect of the said duty and levy from the rent payable by him under this Schedule.

14.—(1) In the selection of persons to act as Receivers, the Commission shall, so far as may be reasonably practicable, give preference to persons employed before the appointed day in collecting rents reserved by coal-mining leases.

(2) A Receiver shall keep proper accounts of all sums received and paid by him in respect of a lease under receivership and shall permit the Commission and any person interested in the demised premises or in a reversion in right of which any sum is or may be payable under this Schedule to inspect and take copies of the accounts at all reasonable times.

(3) Any person who suffers damage by the misappropriation, or by the wilful or negligent misapplication, by a Receiver of sums received by him in his capacity as a Receiver shall be entitled to recover from the Commission as a simple contract debt the amount of the damage sustained by him.

(4) A Receiver shall, in respect of any act or default in his capacity as a Receiver, be personally liable to any person who suffers damage thereby to the like extent as a receiver appointed by the High Court and to that extent only.
A.D. 1937.

5th Sess.
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(5) The High Court may, on the application of the Commission, or of any person interested in premises comprised in a lease under receivership in respect of a reversion not deemed to be conveyed to the Commission, direct that the powers and duties of a Receiver or any of them shall be exercised and performed under the directions of the Court.

(6) Subject to the preceding provisions of this Schedule, a Receiver shall exercise and perform his powers and duties thereunder in accordance with any directions that may be given in that behalf, either generally or in any particular case, by the Board of Trade.

15. In the application of this Schedule to Scotland any reference to a Receiver appointed by the High Court of Justice shall be construed as a reference to a judicial factor.

SIXTH SCHEDULE.

GRANT OF NEW LEASES IN SUBSTITUTION FOR RETAINED LEASES.

1.—(1) Where in exercise of the powers conferred on them by section ten of this Act the Commission propose to require the lessee under a retained lease to take a substituted lease of premises the immediate reversion wherein is vested in them, or to require the lessee to take and the person competent in that behalf to grant to him a substituted lease of other premises, they shall cause a draft of the proposed substituted lease to be prepared and to be delivered to the lessee, or to the lessee and to the lessor, as the case may be.

(2) If the interest of the lessee in premises the immediate reversion wherein is vested in the Commission, or the interest of the lessee or of the lessor in other premises, is subject to a mortgage otherwise than by way of floating charge, the Commission shall cause the draft of the substituted lease to be delivered to the mortgagee also, and shall further cause to be prepared and to be delivered to the mortgagee and to the mortgagor a draft of such instrument, whether being a substituted security or an instrument making provision for the variation of the subsisting security, as may be requisite for preserving so far as may be the rights and liabilities of the mortgagee and of the mortgagor.

2. A person to whom a draft has been delivered under the preceding paragraph may within [six weeks] after the delivery thereof serve notice on the Commission of his objection to the
terms thereof on the ground that the proposed substituted lease does not comply with the provisions of subsection (3) of section ten of this Act, or that the proposed instrument does not comply with the provisions of the preceding paragraph, as the case may be, and where notice is so served the terms of the draft may be modified by agreement between the parties concerned, and in default of agreement the terms of the lease or instrument shall be settled—

(a) so far as regards the amount of the rent to be reserved by the substituted lease, by the member of the compensation tribunal charged with the function of ascertaining the value of interests in premises situated in the valuation area in which the premises to be comprised in the substituted lease are situated; and

(b) as regards any other matter by an arbitrator selected by agreement between the parties or, in default of agreement, by the Board of Trade.

3. When the draft of a substituted lease has been delivered under this Schedule and either no notice of objection has been duly given or the provisions of the substituted lease have been settled under the last preceding paragraph, the Commission may determine the retained lease as regards the premises to which the draft relates, and upon the determination thereof, the Commission or the lessor, as the case may be, shall, if the lessee so requires, be bound to grant, and the lessee shall, if the Commission or the lessor, as the case may be, so require, be bound to take, a new lease in the terms settled.

4. When the draft of an instrument relating to a mortgage has been delivered under this Schedule and either no notice of objection has been duly given or the provisions of the instrument have been settled under paragraph 2 of this Schedule, the mortgagee and the mortgagor shall, if the other of them so requires, be bound to execute the instrument in the terms settled.

5. Subject as aforesaid the procedure for the determination of retained leases and the grant of substituted leases or substituted securities, or the variation of securities, shall be such as may be prescribed by rules.

6.—(1) Subject to the provisions of this paragraph, the costs incurred in giving effect to the provisions of this Schedule by a person other than the Commission shall—

(a) in the case of a mortgagee, as to the whole of such costs; and

(b) in any other case, as to such part of such costs as may be determined by agreement between the Commission and that person, or in default of agreement by an arbitrator to be selected as aforesaid, to be attributable to such part of the transaction effected under this
Schedule as was rendered necessary by the passing of this Act;

(2) In case of difference as to the amount of the costs, other than costs of a reference or award, to be paid under the preceding sub-paragraph, the Board of Trade may direct in what manner they are to be taxed.

(3) An arbitrator may direct that the Commission shall not be liable to pay any such costs as aforesaid, being costs of a reference or award incurred by a party to a reference who appears to the arbitrator to have been guilty of any such unreasonable failure to agree with the Commission or any other party, or of any such negligence or default, as to disentitle him to payment thereof.

SEVENTH SCHEDULE.

GRANT OF LEASES TO FREEHOLDERS IN POSSESSION OF COAL IMMEDIATELY BEFORE THE APPOINTED DAY.

1. Where application has been duly made to the Commission for the grant of a lease under section twelve of this Act, the Commission shall cause to be prepared and delivered to the person entitled to the grant of the lease (in this Schedule referred to as "the lessee") a draft of the proposed lease.

2.—(1) Where the interest of the lessee was immediately before the appointed day subject to a mortgage, other than a mortgage by way of floating charge, the mortgagee may, at any time not later than the expiration of six months from the appointed day, give notice in writing to the Commission that he elects to have, in lieu of any interest in the compensation in respect of the fee simple in the demised premises, a charge upon the interest of the lessee under the lease.

(2) Where notice is duly given under the preceding sub-paragraph in relation to any premises, the Third Schedule to this Act shall have effect as if those premises had not been subject to the mortgage, and the Commission shall cause to be prepared and delivered to the lessee and to the mortgagee a draft of such instrument, whether being a substituted security or an instrument making provision for the variation of a subsisting security, as may be requisite for preserving so far as may be the rights and liabilities of the mortgagee and of the lessee.

3. A person to whom a draft has been delivered under either of the two last preceding paragraphs may within [six weeks] after the delivery thereof serve notice on the Commission of his objection to the terms thereof on the ground that the proposed lease does not comprise all the premises to a lease of which the
lessee is entitled or that the terms, or the conditions, specified in the draft do not comply with the provisions of subsection (2) of section twelve of this Act, or that the proposed instrument does not comply with the provisions of the last preceding paragraph, as the case may be, and where notice is so served the terms of the draft may be modified by agreement between the parties concerned, and in default of agreement the terms of the lease or instrument shall be settled by an arbitrator selected by agreement between the parties or, in default of agreement, by the Board of Trade.

4. When the draft of a lease or of an instrument relating to a mortgage has been delivered under this Schedule and either no notice of objection has been duly given or the provisions of the lease or instrument have been settled by agreement, or by an arbitrator, then, in the case of a lease, the Commission shall, if the lessee so requires, be bound to grant and the lessee shall, if the Commission so require, be bound to take, a lease in the terms settled, and, in the case of an instrument relating to a mortgage the lessee and the mortgagee shall, if the other of them so requires, be bound to execute the instrument in the terms settled.

5. The provisions of paragraph 6 of the Sixth Schedule to this Act shall have effect in relation to costs incurred in giving effect to the provisions of this Schedule as they have effect in relation to costs incurred in giving effect to the provisions of that Schedule.

**EIGHTH SCHEDULE.**

**Amendments of 20 & 21 Geo. 5. c. 34, s. 13.**

1. In section thirteen, after subsection (1) thereof, there shall be inserted the following subsection:—

   "(1A The following provisions shall have effect with respect to any scheme submitted to the Board of Trade by the Coal Mines Commission—

   (a) the scheme shall provide for the consideration to be given to each of the constituent companies from which property is to be transferred (hereinafter referred to as a transferor company) being given out of the securities of the new company or of the constituent company to which that property is transferred, as the case may be (hereinafter referred to as the transferee company) and not otherwise, and for the amount of the consideration being determined upon the basis of the value at the date of transfer of the property and liabilities of each transferor company transferred..."
by the scheme; the value of the property being assessed at what would have been the value thereof at the date of transfer as between a willing buyer and a willing seller;

(b) the scheme shall determine the classes of securities of the transferee company which are to be given to the transferor companies in respect of the different classes of property transferred to it; and shall make provision for the determination of the amount of the consideration to be given to each of the transferor companies out of those securities, in so far as it is not determined by the terms of the scheme, being finally determined upon principles specified therein, by arbitration or otherwise, after the scheme has come into operation;

(c) the scheme may provide for any property of a transferor company thereby transferred to a transferee company being so transferred either subject to, or freed from, all liabilities for the repayment of money lent which immediately before the date of transfer were secured on that property, but if a scheme provides for the transfer of any property freed from all such liabilities, the scheme shall make provision for entitling all persons who immediately before the date of transfer had, by way of security for such repayment, an interest in that property, to participate in the consideration to be received by the transferor company by means of a charge on that consideration or any part thereof, and with the like priorities between each other as existed before the coming into force of the scheme;

(d) the scheme may make provision for making in any trust affecting property or liabilities transferred to the transferee company, including any compensation trust created in accordance with the provisions of the Workmen's Compensation (Coal Mines) Act, 1934, such modifications as may be consequential upon the amalgamation or absorption to be effected by the scheme.

2. For subsection (2) of the said section thirteen there shall be substituted the following subsection:

"(2) In relation to any scheme submitted to the Board of Trade under this section by the Coal Mines Commission, the Act of 1926 shall have effect as if for the proviso to subsection (2) of section seven thereof and
section eight thereof (which both relate to the consideration of schemes by the Railway and Canal Commission) there were substituted the following proviso, that is to say:—

'Provided that the Railway and Canal Commission—

(a) shall hear such persons, whether in support of or against the scheme, as they think fit, including representatives of persons employed in any undertakings affected by the scheme; and

(b) shall not have power to make, or require to be made, in the scheme modifications inconsistent with any provisions required by the enactments relating thereto to be included in schemes submitted to the Board of Trade by the Coal Mines Commission; and

(c) shall confirm the scheme if they are satisfied that it conforms to the enactments relating thereto, and that the amalgamation or absorption effected by the scheme will be carried out upon terms and conditions that will, on the one hand, be fair and equitable to all the transferor companies and will also, on the other hand, enable the undertaking of the transferee company to be efficiently carried on with due regard to the interests of all persons affected by the scheme.' "

3. Subsection (4) of the said section thirteen is hereby repealed.

NINTH SCHEDULE.

AMENDMENTS OF 20 & 21 GEO. 5.
C. 34, SS. 5 AND 8.

1. For subsection (3) of section five of the Coal Mines Act, 1930, there shall be substituted the following subsections:

"(3) A committee of investigation may act notwithstanding any vacancy in their number.

(3A) The Board of Trade shall cause to be constituted a panel of persons suitable to exercise the functions of chairman of any committee of investigation in the event of the chairman of any such committee being unable to act on the investigation of any complaint, and in such an event a person shall, in such manner as the Board of Trade may direct, be selected from the panel to act as chairman, and a person so selected for the investigation of any complaint shall, in relation to that investigation,
be deemed to be the chairman of the committee, and references in this section to 'the chairman' shall be construed accordingly.

(3) The chairman shall be present at every meeting of a committee of investigation, and any question at such a meeting shall, if the votes of all the members present and voting thereon are not unanimous, be determined by the chairman. Any such committee may take evidence on oath, and for that purpose the chairman shall have power to administer an oath. Subject to the foregoing provisions of this subsection, the meetings and procedure of every committee of investigation shall be regulated in accordance with rules made by the Board of Trade for the purpose, and such rules may make provision as to the quorum of any such committee.

2. In subsection (7) of the said section five the words "subject as hereinafter provided" and the proviso to that subsection are hereby repealed.

3. In subsection (8) of the said section for the words from "make representations with respect thereto" to the end of the subsection there shall be substituted the words following—"give to the persons having power under the scheme to rectify the matter such directions as the committee think desirable for that purpose, and those persons shall comply therewith and exercise their functions under the scheme in conformity with the directions"; in subsection (9) of the said section, for the words "referring any matter to arbitration," there shall be substituted the words "giving any directions," the words "the arbitrator's decision and" shall be omitted, for the word "therewith" there shall be substituted the words "with the directions," and for the word "decision" (where that word occurs for the second time) there shall be substituted the word "directions," and paragraph (6) of subsection (10) and subsection (11) of the said section are hereby repealed.

4. At the end of section eight of the said Act there shall be added the words following:—"; and any such information published or disclosed to the Board of Trade or any committee of investigation which is relevant to the proceedings upon any inquiry or investigation held by them may be published or disclosed by them to any person being a party to or otherwise directly concerned in those proceedings, but only in such form as does not disclose information relating to any particular business or undertaking."
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To make provision for the property in all unworked coal
and mines of coal and certain associated property
and rights being transferred to or acquired by a
Commission with power of management thereover;
for empowering the Commission to promote a
reduction in the number of coal-mining undertakings;
for continuing Part I of the Coal Mines
Act, 1930, with amendments; for enabling the
miners welfare committee to acquire land
compulsorily; and for purposes connected with the
matters aforesaid.

CXV.—B. (27.)

27th April 1937.