

---

STATUTORY INSTRUMENTS

---

**1950 No. 376**

**The Coal Industry Nationalisation  
(Superannuation) Regulations 1950**

*Power of Board to provide superannuation benefits*

1. The National Coal Board (in these regulations referred to as “the Board”) shall have power to pay out of their funds, or to provide for the payment of, pensions, gratuities and other like benefits for all or any of the purposes specified in paragraphs (a) and (b) of subsection (1) of section thirty-seven of the Act of 1946 as amended by section four of the Act of 1949<sup>(1)</sup> in such manner (including, subject to the Minister's approval, the establishment of schemes and other arrangements) as they may think fit; and in particular (but without prejudice to the generality of the foregoing provisions) the Board shall have power—

- (a) to administer schemes and other arrangements established with the Minister's approval; and for the purposes thereof or in connection there-with to establish and administer funds, to take out, acquire and maintain policies of insurance, and to execute bonds, indemnities and other similar instruments for securing the aforesaid benefits; and
- (b) to participate in and to continue existing schemes and other arrangements and make payments to or for the purposes of or in connection with the same, including payments under policies of insurance, bonds, indemnities and other similar instruments for securing benefits thereunder.

2.—(1) The Board shall only have power to pay, or to provide for the payment of, any pension, gratuity or other like benefit to any person who has not been taken into the service of the Board, or has ceased to be employed by the Board, on the ground that his services are not required in consequence of the vesting in the Board of the assets in relation to which he was employed immediately prior to such vesting (except in so far as he has a right to, or an expectation of accuer, whether as of right or under customary practice, of, any particular benefits on retiring or otherwise ceasing to be employed) if—

- (a) the failure to take the person in question into the service of the Board, or the reason for terminating his employment by the Board, was not on account of misconduct or incapacity to perform the duties he was performing or might reasonably have been required to perform;
- (b) the person in question has been regularly employed in transferred employment or in the service of the Board (or would have been in such employment or service if he had not been engaged in war service) for at least ten years in the aggregate either since the 1st day of January, 1935, or during any period if he was taken into the service of the Board, and he had immediately prior to being taken into such service been in transferred employment (or would have been in such employment if he had not been engaged in war service) and he had, during every part of that period in which he was not so employed or engaged, been regularly employed in or in connection with coal industry activities or transferred allied activities;

---

(1) For significance of underlining and side-lining, see explanatory note on p. 366.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

---

- (c) the claim to payment arises not later than seven years from the date of the vesting in the Board of an interest in relation to which the person in question was regularly employed in transferred employment, and is made not later than two years after the date on which it arises; and
- (d) the person in question was not a person to whom a contract for the rendering of personal services relates, being a contract from a liability under which the Board were discharged by virtue of subsection (2) of section seven of the Act of 1946.

(2) A person referred to in the last preceding paragraph who is aggrieved by the Board's determination as to what (if any) payment is to be made to him under the provisions of any scheme or arrangement established by the Board (being neither a scheme or arrangement which provides for the settlement of questions arising thereunder by an independent person or tribunal, other than a referee or board of referees appointed by the Minister of Labour and National Service, nor a scheme or arrangement the principal object of which is the provision of benefits on retirement from employment) may require the question of what amount (if any) is payable under such provisions to be referred to a referee or board of referees appointed for the purpose by the Minister of Labour and National Service.

The decision of the referee or board of referees shall be final and nothing in the Arbitration Acts, 1889 to 1934, shall be construed as applying to any proceedings before him or them.

(3) In fixing from time to time the amount of any pension, gratuity or other like benefit to be paid to a person referred to in paragraph (1) of this regulation the Board and, in a case referred to a referee or board of referees, the referee or board shall have regard to what in his or their opinion are the prospects at the time when such amount is fixed of such person obtaining any other employment, to whether or not such person has attempted and failed to obtain other employment, and to the amount of any compensation recovered under the Reinstatement in Civil Employment Act, 1944.