STATUTORY INSTRUMENTS

1968 No. 987

COAL INDUSTRY

The Redundant Mineworkers (Payments Scheme) Order 1968

Laid before Parliament in draft

Made - - - 24th June 1968 Coming into Operation 4th July 1968

The Minister of Power in exercise of his powers under section 3 of the Coal Industry Act 1967(a) (hereinafter referred to as "the Act") hereby makes the following Order, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament in accordance with section 3(4) of the Act:—

Citation, commencement and interpretation

- 1.—(1) This Order, which may be cited as the Redundant Mineworkers (Payments Scheme) Order 1968, shall come into operation fourteen days after it has been approved by resolution of each House of Parliament.
- (2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Application of the Scheme

- 2. The Scheme set out in the Schedule to this Order shall apply to the classes of persons prescribed therein, being persons who at any time between 17th July 1967 and 28th March 1971—
 - (a) were employed at a coal mine or at any place of a class prescribed in the Scheme; and
 - (b) became redundant within the meaning of the Scheme after attaining the age of 55 and before attaining the age of 65 in the case of men or 60 in the case of women.

Dated 24th June 1968.

R. J. Gunter,
Minister of Power.

THE SCHEDULE

THE REDUNDANT MINEWORKERS PAYMENTS SCHEME

Definitions

- 1. In this Scheme, unless the context otherwise requires:—
 - "the Board" means the National Coal Board;
 - "the basic benefit" means the total amount payable under Article 5;
- "coal industry employee" shall have the meaning assigned thereto in Article 2;

- "coal industry employer" in relation to any person employed by the Board or by a small mine licensee means the Board or the small mine licensee as the case may be, and in relation to any person who is a workmen's employee means the person or persons responsible for the payment of such person's remuneration;
- "disablement pension" means disablement pension under the National Insurance (Industrial Injuries) Act 1965(a);
- "earnings-related supplement" means an increase of unemployment or sickness benefit under section 2 of the National Insurance Act 1966(b) (benefit by way of an earnings-related supplement) but not such an increase as is referred to in section 2(6) of that Act (benefit payable to a widow);
- "house" has the same meaning as in section 58(1) of the Housing (Financial Provisions) Act 1958(c);
- "injury benefit" means industrial injury benefit under the National Insurance (Industrial Injuries) Act 1965;
- "Mineworkers' Pension Scheme" means the pension scheme established by the Board under powers conferred by the Coal Industry Nationalisation (Superannuation) Regulations 1950(d) and approved by the Minister on 13th October 1951, as amended from time to time with the approval of the Minister;
 - "the Minister" means the Minister of Power;
- "pre-redundancy earnings" means in relation to any person that person's average weekly earnings as a coal industry employee during the relevant tax year in the grade in which he was employed at the relevant date if he was so employed during that year and had earnings from that employment in not less than 13 weeks of that year, but otherwise the average weekly earnings which it is calculated he would have had if he had been so employed during the whole of that year having such regard as the Minister may consider appropriate to the average weekly earnings of other coal industry employees who were employed in the same grade by that same employer throughout the relevant tax year;
 - "prescribed place" means a place of a class specified in Appendix 1;
 - "redundant person" has the meaning attributed to it in Article 4;
- "the relevant date" has the same meaning as in section 3(4) or 4(2) of the Redundancy Payments Act 1965(e) as the case may be;
- "the relevant tax year" means the last complete income tax year before the first Monday in May preceding the relevant date;
 - "sickness benefit" means sickness benefit under the National Insurance Act 1965(f);
- "self-employed" means a self-employed person for the purposes of section 1(2)(b) of the National Insuance Act 1965 (description and classification of insured persons);
- "small mine licensee" means any individual working coal by virtue of the grant of a gale in the Forest of Dean or in any other part of the Hundred of St. Briavels and any person or body of persons for the time being engaged in coal mining activities by virtue of a licence granted by the Board under section 36(2)(a) of the Coal Industry Nationalisation Act 1946(g);
- "special hardship allowance" means an increase of disablement pension under section 14 of the National Insurance (Industrial Injuries) Act 1965 (increase of disablement pension in cases of special hardship);
- "the Staff Superannua on Scheme" means the National Coal Board Superannuation Scheme established by the Board under powers conferred by the

⁽a) 1965 c, 52. (b) 1966 c, 6. (c) 1958 c, 42. (d) S.I. 1950/376 (1950 I, p. 356). (e) 1965 c, 62. (f) 1965 c, 51. (g) 1946 c, 59.

Coal Industry Nationalisation (Superannuation) Regulations 1946(a) and approved by the Minister on 31st July 1947, as amended from time to time with the approval of the Minister;

"supplementary allowance" means supplementary allowance under the Ministry of Social Security Act 1966(b);

"the Supplementary Benefits Commission" has the same meaning as in section 3 of the Ministry of Social Security Act 1966;

"supplementary pension" means supplementary pension under the Ministry of Social Security Act 1966;

"unemployment benefit" means unemployment bénefit under the National Insurance Act 1965;

"week" means a period of seven days beginning with midnight between Saturday and Sunday;

"workmen's employee" means any person who is employed at a coal mine or a prescribed place being a person remunerated out of moneys provided by deductions from the wages of or contributions by employees of a coal industry employer;

and references to any enactment or to any order or regulation shall be construed as references to the same as amended by any subsequent enactment order or regulation.

Eligibility for payment

- 2. Any person who is or was on the relevant date employed at a coal mine or a prescribed place being either—
 - (a) a person so employed by the Board or by a small mine licensee-
 - (i) in a grade which renders him eligible for membership of the Mineworkers' Pension Scheme; or
 - (ii) in a grade which is specified in Appendix 2; or
- (b) a person so employed as a workmen's employee, shall, subject as hereinafter provided, be eligible for payments under this Scheme and such person is hereafter referred to as a "coal industry employee".

Age and redundancy requirements

- 3. A coal industry employee shall not be eligible for payments under this Scheme unless—
 - (a) he is a redundant person and, in the case of an employee employed at a prescribed place, became a redundant person by reason of the cessation or reduction of the services or facilities at that place, being services or facilities ancillary to one or more coal mines, in consequence of the closure of one or more such mines or the reduction in the number of persons employed thereat;
 - (b) when he became a redundant person the relevant date fell between 17th July 1967 and 28th March 1971; and
 - (c) on the relevant date he had attained the age of 55 and had not attained the age of 65, in the case of a man, or 60, in the case of a woman.

Requirements of a redundant person

- 4.—(1) A coal industry employee shall be a redundant person within the meaning of this Scheme if he has completed a total period of not less than 10 years' employment with one or more coal industry employers and in consequence of his dismissal on the relevant date by a coal industrial employer, he either—
 - (a) becomes entitled to receive a redundancy payment under the Redundancy Payments Act 1965 from that employer; or

- (b) would have become entitled to receive such a payment except only that he had not been continuously employed by one coal industry employer for a period of 104 weeks ending with the relevant date and he had either—
 - (i) during such period of 104 weeks left the employment of a coal industry employer and not later than one week after leaving such employment had entered into employment with that or any other coal industry employer; or
 - (ii) become entitled previously to receive such a payment from a coal industry employer and had entered into employment with that or any other coal industry employer not later than 52 weeks after becoming so entitled.
- (2) Appendix 3 hereof and not section 8 of the Redundancy Payments Act 1965 (which provides for the calculation of periods of employment) shall apply for the purposes of this Article, for ascertaining the length of a coal industry employee's period of employment with one or more coal industry employers and whether or not the period of 104 weeks ending with the relevant date has been continuous.

Benefits to be paid

- 5. Subject as hereinafter provided—
- (1) The Minister may pay to any coal industry employee eligible for payments under the foregoing provisions of this Scheme the weekly sum specified in column 2 of Appendix 4 opposite the amounts specified in column 1 of such Appendix appropriate to the amount of that employee's pre-redundancy earnings.
- (2) Where any coal industry employee who on the relevant date was occupying a house as a tenant of or under a licence from the Board continues after such date to occupy that house and, in consequence of his having ceased to be in their employment, the Board,
 - (a) in the case of an employee who immediately before such relevant date was not making any payment to them in respect of his occupation of that house, charge that employee any weekly payment in respect of such continued occupation; or
 - (b) in the case of an employee who immediately before such relevant date was making a payment to them in respect of his occupation of that house, increase the weekly amount payable in respect of such continued occupation.

then, provided that such employee is eligible for payments under the foregoing provisions of this Scheme, the Minister may pay to him in addition to any sums payable under paragraph (1) either—

- (i) a weekly sum equal to the weekly amount of such payment or weekly increase of such payment as the case may be; or
- (ii) the weekly sum of 20 shillings, whichever shall be the less.

Adjustment of the basic benefit

- 6.—(1) Subject to paragraph (4), if in any week in respect of which the basic benefit is payable to any coal industry employee, such employee is entitled to receive—
 - (a) one or more of the payments specified in paragraph (2) having become entitled to receive any such payments after the last week falling before the relevant date in which he was not entitled to receive either sickness or injury benefit: or
 - (b) an amount in excess of the amount of any one or more of the payments specified in sub-paragraphs (b), (d), (e), (g) and (h) of paragraph (2) which was payable either in respect of the week in which the relevant date occurred or, if in that week such employee was entitled to receive either sickness or injury benefit, then in respect of the week preceding that in which his entitlement to receive such sickness or injury benefit commenced,

then, his basic benefit in respect of that week shall be reduced or extinguished by deducting therefrom an amount equal to the aggregate of such payments and amounts.

- (2) The payments referred to in paragraph (1) are:—
- (a) earnings-related supplement;

(b) special hardship allowance;

- (c) injury benefit in excess of the amount of any sickness benefit which would have been payable to a coal industry employee had he been entitled to receive sickness benefit in place of that injury benefit;
- (d) workmen's compensation under the Workmen's Compensation Acts 1925 to 1945, the enactments repealed by the Workmen's Compensation Act 1925(a) or under any contracting-out scheme duly certified under any of those Acts;
- (e) benefit under the Workmen's Compensation (Supplementation) Scheme 1966(b);
- (f) supplementary injury benefit under the National Insurance (Industrial Injuries) (Colliery Workers' Supplementary Scheme) Amendment and Consolidation Order 1963(c) as amended(d);
- (g) supplementary disablement pension under the National Insurance (Industrial Injuries) (Colliery Workers' Supplementary Scheme) Amendment and Consolidation Order 1963 as amended;
- (h) benefit under the scheme established by the Board pursuant to a resolution dated 2nd July 1948 for providing benefits to persons in receipt of workmen's compensation or of benefits under the Pneumoconiosis (Benefit) Scheme 1943(e) as the scheme so established has been or may from time to time be amended or extended with the approval of the Minister;
- (i) pension benefits, other than widows' benefits, paid under the Mineworkers' Pension Scheme:
- (j) pension benefits, other than widows' benefits, paid before normal retiring age under any scheme, other than the Mineworkers' Pension Scheme or the Staff Superannuation Scheme, established or continued by the Board under the Coal Industry Nationalisation (Superannuation) Regulations 1950 as amended:
- (k) supplementary allowance or supplementary pension in excess of the amount which the Supplementary Benefits Commission determine would have been paid had the payments under this Scheme been made before the amount of supplementary allowance or supplementary pension was determined.
- (3) Where a coal industry employee eligible for payments under this Scheme has been entitled to receive unemployment benefit and his right to that benefit excluding an earnings-related supplement thereof has become exhausted, so long as he remains unemployed there shall be payable to him, in addition to the basic benefit, a weekly sum equal to the weekly rate of unemployment benefit, excluding an earnings-related supplement thereof, which he would have been entitled to receive but for such exhaustion.
- (4) In any week in respect of which a coal industry employee is entitled to receive under paragraph (3) an addition to the basic benefit, the aggregate of the basic benefit and that addition shall be reduced or extinguished by deducting therefrom an amount equal to the aggregate of the payments and amounts referred to in sub-paragraphs (a) and (b) of paragraph (1) which such employee is entitled to receive in respect of that same week.
- (5) (a) Where any coal industry employee eligible for payments under this Scheme has, between the relevant date and the making of this Order, received a lump sum payment, not being a refund of contributions, under the Staff Superannuation Scheme, then, for every week in respect of which he is entitled to receive

⁽a) 1925 c. 84. (b) S.I. 1966/165 (1966 I, p. 325). (c) S.I. 1963/934 (1963 II, p. 1559). (d) S.I. 1965/535 (1965 I, p. 1543), S.I. 1966/1011 (1966 II, p. 2412), S.I. 1967/1550 (1967 III, p. 4313), S.I. 1968/83 (1968 I, p. 266). (e) S.R. & O. 1943/886 (Rev. XXIV, p. 597: 1943 I, p. 1016).

the basic benefit, the amount of such benefit, after adjustment if appropriate in accordance with the preceding paragraphs of this Article, shall be reduced or extinguished by deducting therefrom an amount calculated at the rate of one shilling for each £50 of that lump sum payment.

(b) For the purpose of this paragraph where any lump sum payment referred to in sub-paragraph (a) exceeds £50 or a multiple thereof by a fraction of £50 that fraction shall be disregarded.

Limitation of benefits

- 7.—(1) No payments shall be made under this Scheme to any coal industry employee—
 - (a) who receives any payment, other than widow's benefit, under the Staff Superannuation Scheme; or
 - (b) who, since the relevant date, has received any periodic payment, other than widow's benefit, under the Staff Superannuation Scheme, unless such payment has been refunded or arrangements approved by the Minister have been made for its refund when the first payment under this Scheme falls to be made to that employee.
- (2) Subject to paragraph (4), no payments shall be made under this Scheme to any coal industry employee in respect of any week unless in respect of such week that employee satisfies the conditions for receipt of either unemployment benefit or sickness benefit or would satisfy those conditions but for,
 - (a) the provisions of Regulations made under section 50 of the National Insurance Act 1965 (overlapping benefits); or
 - (b) the fact that his right to that benefit is exhausted; or
 - (c) (in the case of unemployment benefit only) the fact that he was employed or self-employed for not more than 21 hours in that week.
- (3) No payments shall be made under this Scheme in respect of any week in which a coal industry employee is in the employment of a coal industry employer.
- (4) In respect of any week during which a coal industry employee is selfemployed or in the employment of a person other than a coal industry employer the amount payable to him under this Scheme shall not exceed—
 - (a) the basic benefit adjusted if appropriate in accordance with the provisions of Article 6; or
- (b) the sum of 60 shillings,

whichever shall be the less.

(5) Arrangements made under paragraph (1) may provide for the reduction of the weekly sums mentioned in Article 5 to the extent required to meet refunds of payments to the Staff Superannuation Scheme which under these arrangements are effected by the Minister.

Duration of benefits

- 8.—(1) Subject to the following paragraphs of this Article, payments under this Scheme shall first become payable to a coal industry employee in respect of the week commencing next after the relevant date applicable but shall not be payable to any coal industry employee in respect of any week falling after—
 - (a) the attainment by such employee of the age of 65, in the case of a man, or 60, in the case of a woman; or
 - (b) 30th March 1974,

whichever shall first occur.

- (2) No coal industry employee shall be eligible for payments under this Scheme in respect of an aggregate of more than 156 weeks.
- (3) Any week in which a coal industry employee is in the employment of a coal industry employer shall not be taken into account in calculating such period of 156 weeks.
- (4) Any week in respect of which a coal industry employee is disqualified under Article 7(2) from receiving payments under this Scheme shall be taken into account in calculating such period of 156 weeks.

Meaning of employment in Articles 7 and 8

9. For the purposes of Articles 7(3) and (4) and 8, employment or self-employment in any week for not more than 21 hours shall not be regarded as employment or self-employment as the case may be.

Rounding-off of benefits

10. Where the total weekly sum payable to a coal industry employee under this Scheme exceeds one shilling or a multiple thereof by a fraction of one shilling that fraction shall be disregarded if it is less than sixpence and shall be treated as one shilling if it is sixpence or more.

Time of payment of benefits

11. Sums payable to a coal industry employee under this Scheme may be paid in arrear and at intervals of not more than 6 weeks.

Claims for benefits

- 12.—(1) Subject to the provisions of paragraph (2), it shall be a condition of the making of payments under this Scheme to any coal industry employee that a claim for those payments shall be submitted to the Minister not later than—
 - (a) 26 weeks after the date on which this Order comes into force; or
 - (b) 26 weeks after the relevant date,

whichever shall be the later.

(2) In any case in which the Minister is satisfied that there is reasonable ground for failing to make a claim within such period as aforesaid the Minister may, from time to time, extend the period within which a claim may be made under paragraph (1) on application being made to him in that behalf and notwith-standing that such period has expired.

Article 1

APPENDIX 1 PRESCRIBED PLACES

Ambulance stations.

Civil engineering depots.

Coal depots.

Coal laboratories.

Coal preparation plants.

Coal stocking grounds.

Electricity distribution installations.

Estate and house maintenance depots.

Generating plants.

Granaries (for foodstuffs for pit ponies).

Medical centres.

Mineral processing plants.

Pumping stations.

Railway sidings and other places associated with the operation of railways.

Rescue stations.

Road transport depots.

Shipping staithes and wharves.

Stone and dust disposal and treatment plants.

Timber impregnation plants.

Training centres.

Waterworks.

Workshops, stores and plant pool depots.

Article 2(a)(ii)

APPENDIX 2

GRADES OF EMPLOYMENT IN WHICH A COAL INDUSTRY EMPLOYEE IS ELIGIBLE FOR PAYMENTS UNDER THIS SCHEME

- 1. Overman (as defined in an agreement relating to overmen dated 24th May 1961 made between the Board of the one part and the National Association of Colliery Overmen, Deputies and Shotfirers and the National Union of Mineworkers (together hereinafter called "the Unions") of the other part).
- 2. Deputy (as defined in an agreement relating to deputies dated 24th May 1961 made between the Board of the one part and the National Association of Colliery Overmen, Deputies and Shotfirers of the other part).
- 3. Shotfirer (as defined in an agreement relating to shotfirers dated 24th May 1961 made between the Board of the one part and the Unions of the other part).
- 4. Any grade of weekly paid industrial staff to whom Schedule 1 or Schedule 4 of an agreement dated 25th August 1963 made between the Board of the one part and the Unions of the other part or to whom Schedule 1 or Schedule 4 of an agreement dated 1st May 1968 made between the same parties applies.
- 5. Foreman other than a grade of Foreman under the agreements referred to in paragraph 4.
 - 6. Canteen Manager.
 - 7. Canteen Manageress.
 - 8. Canteen Supervisor.

Article 4(2)

APPENDIX 3

COMPUTATION OF PERIOD OF EMPLOYMENT

Preliminary

1. A coal industry employee's period of employment shall be computed in weeks in accordance with this Appendix, and the period of ten years mentioned in Article 4 of this Scheme shall be taken as 520 weeks.

General provisions as to the period of employment

- 2.—(1) Except so far as otherwise provided by the following provisions of this Appendix any week which does not count under paragraphs 3 to 6 of this Appendix breaks the continuity of the period of employment.
- (2) During any week which breaks the continuity of the period of employment a coal industry employee shall not be treated as being in the employment of a coal industry employer.

Normal working weeks

3. Any week in which a coal industry employee is employed for 21 hours or more by a coal industry employer shall count in computing a period of employment.

Employment governed by contract

4. Any week during the whole or part of which a coal industry employee's relations with a coal industry employer are governed by a contract of employment which normally involves employment for 21 hours or more weekly shall count in computing a period of employment.

Periods in which there is no contract of employment

- 5.—(1) If in any week a coal industry employee is for the whole or part of that week:—
 - (a) incapable of work in consequence of sickness or injury; or
 - (b) absent from work on account of a temporary cessation of work; or

(c) absent from work in circumstances such that, by arrangement or custom, he is regarded as continuing in the employment of a coal industry employer for all or any purposes,

that week shall, notwithstanding that it does not fall under paragraph 3 or paragraph 4 of this Appendix, count as a period of employment.

(2) Not more than 26 weeks shall count under paragraph (a) of the foregoing subparagraph between any two periods falling under paragraphs 3 and 4 of this Appendix.

Industrial disputes

6. If during any week a coal industry employee was for the whole or any part of that week absent from work because he was taking part in a strike that week shall count as a period of employment.

Interpretation

7. In this Appendix, unless the context otherwise requires:

"period of employment" means period of employment by a coal industry employer;

"strike" means the cessation of work by a body of coal industry employees acting in combination or a concerted refusal or refusal under a common understanding of any number of coal industry employees to continue to work for a coal industry employer in consequence of a dispute done as a means of compelling that coal industry employer or any person or body of persons employed or to aid other employees in compelling their employer or any person or body of persons employed to accept or not to accept terms or conditions of or affecting employment.

Article 5(1)

APPENDIX 4

TABLE OF PRE-REDUNDANCY EARNINGS AND WEEKLY PAYMENTS

Column 1									Column 2 Weekly sum			
Amount of pre-redundancy earnings											payable under	
W 19												
Exceeding £ s. d.												Article 5(1)
		out	not ex	ceeding	g £ :							£ s. d.
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EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order establishes under the Coal Industry Act 1967 a scheme for the payment of weekly benefits in certain cases to supplement the income of mineworkers made redundant between 17th July 1967 and 28th March 1971 after attaining the age of 55 and before attaining the age of 65 in the case of men or 60 in the case of women.

The scheme prescribes the classes of persons eligible and sets out the places at which they must be employed in order to qualify.

The amount of benefit is based on pre-redundancy earnings but is subject to certain specified additions and deductions, and no person is eligible for benefit for a total period of more than 156 weeks.

The Order comes into operation on 4th July 1968.