

THE SCHEDULE

THE REDUNDANT MINEWORKERS AND CONCESSIONARY COAL PAYMENTS SCHEMES

PART I

THE REDUNDANT MINEWORKERS PAYMENTS SCHEME

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, by one of their subsidiaries, or by a small mine licensee—
 - (i) in a grade which renders him eligible for membership of the Mineworkers' Pension Scheme or the Coal Industry Ancillary Workers 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 not under either of the former Schemes 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 Article 5 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 10th December 1972 and 28th March 1976; 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, or with any other employer at a coal mine or at a prescribed place prior to 1st January 1947, and in consequence of his dismissal on the relevant date by a coal industry 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—

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- (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 paragraph (1) of this Article, for ascertaining the length of a coal industry employee's period of employment, and whether or not the period of 104 weeks ending with the relevant date has been continuous.

Basic benefit payable

5. Subject as hereinafter provided—

(1) The Secretary of State may pay to any coal industry employee eligible for payments under the foregoing provisions of this Scheme—

- (a) whose relevant date fell between 10th December 1972 and 6th April 1973 the weekly sum specified in column 2 of Part 1 of Appendix 4 opposite the amounts specified in column 1 thereof appropriate to the amount of that employee's pre-redundancy earnings, provided that in respect of any week commencing after 6th April 1973 the said sum shall not be less than £3; and
- (b) whose relevant date fell on or after 6th April 1973 the weekly sum specified in column 2 of Part 2 of Appendix 4 opposite the amounts specified in column 1 thereof appropriate to the amount of that employee's pre-redundancy earnings.

(2) When the weekly sum payable under paragraph (1) has been paid for 52 weeks it may be supplemented in respect of any subsequent week by such additional weekly sum as the Secretary of State may think appropriate to take account of changes in the cost of living during the period of 12 months ending on the 6th April which immediately precedes the expiry of the said 52 weeks and when the said weekly sum (supplemented as aforesaid) has been paid for a further 52 weeks it may be further supplemented in respect of any subsequent week by such additional weekly sum as the Secretary of State may think appropriate to take account of changes in the cost of living during the period of 12 months ending on the 6th April which immediately precedes the expiry of these further 52 weeks.

(3) Where any coal industry employee eligible for payments under this Scheme is re-employed by a coal industry employer and then ceases to be so employed the Secretary of State in assessing the supplements under paragraph (2) may take account of changes in the cost of living during his period of re-employment by a coal industry employer as well as the changes in the cost of living during a period specified in that paragraph:

Provided that this paragraph does not apply to such an employee who is so employed for a period of not less than one year and makes an election under paragraph (4).

(4) A coal industry employee eligible for payments under this Scheme who is re-employed by a coal industry employer for a period of not less than one year and then is dismissed by a coal industry employer by reason of redundancy within the meaning of section 1 of the Redundancy Payments Act 1965, may elect to substitute his date of cessation of that employment as the relevant date for the purpose of calculating his pre-redundancy earnings referred to in paragraph (1) and for the purpose of adjusting his basic benefit under Article 6 provided the said election is made within 26 weeks of such cessation.

(5) Where a coal industry employee makes an election under paragraph (4), the Secretary of State in assessing the supplements under paragraph (2) may take account of changes in the cost of

living during the period of 12 months ending on the 6th April which immediately precedes the date on which the weekly sum payable under paragraph (1) has been paid for 52 weeks and the further period of 52 weeks respectively after the date substituted as the relevant date by virtue of the said election under paragraph (4).

(6) Where any coal industry employee was on the relevant date occupying a house as a tenant of or under a licence from the Board 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 his occupation of that house or any other house; 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 his occupation of that house or any other house,

then, provided that such employee is eligible for payments under the foregoing provisions of this Scheme, the Secretary of State may pay to him in addition to any sums payable under this Article 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 £1,

whichever shall be the less.

(7) A coal industry employee shall remain eligible for payments under paragraph (6) notwithstanding the sale of the house in respect of which the weekly sum is payable or his having moved to another house.

(8) Paragraph (6) shall not apply to any coal industry employee who receives any rent rebate or allowance under the Housing Finance Act 1972.

Adjustment of the basic benefit

6.—(1) If in any week in respect of which the basic benefit is payable to any coal industry employee he is entitled to receive any of the payments specified under heads (a), (b), (c), (d) or (e) of this Article the basic benefit shall be reduced or extinguished by making the deduction specified below in relation to that head—

- (i) in respect of—
 - (a) special hardship allowance in respect of an industrial accident sustained or an industrial disease developed before the relevant date;
 - (b) supplementary disablement pension under the National Insurance (Industrial Injuries) Colliery Workers Supplementary Scheme;by the amount of any such benefits which such employee becomes entitled to receive taking into account any increases or decreases thereof (but ignoring any general increases in such benefits) after the last week before the relevant date in which such employee is not entitled to sickness, invalidity or injury benefit;
- (ii) in respect of—
 - (c) workmen's compensation under the Workmen's Compensation Act 1925 to 1945, the enactments repealed by the Workmen's Compensation Act 1925, or under any contracting-out scheme duly certified under any of those Acts;
 - (d) benefit under the Workmen's Compensation (Supplementation) Scheme 1966⁽¹⁾;

⁽¹⁾ (1966 I, p. 325).

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- (e) 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 in receipt of benefits under the Pneumoconiosis (Benefit) Scheme 1943(2);

by the amount of any such benefits which such employee becomes entitled to receive taking into account any increases or decreases thereof (but ignoring any general increases in such benefits or any individual variation thereof resulting from a change of category from partial to total, or from lesser to major, incapacity, as the case may be) after the last week before the relevant date in which such employee is not entitled to sickness, invalidity or injury benefit;

Provided that in respect of any week commencing after 6th April 1973 the foregoing deductions shall not operate so as to reduce the amount payable to less than £3, and if in any week in respect of which the basic benefit is payable to any coal industry employee he is entitled to receive any of the payments specified under heads (f), (g), (h), (i) or (j) of this Article the basic benefit already reduced by the foregoing provisions of this Article shall be further reduced or extinguished by making the deduction specified below in relation to that head—

(iii) in respect of—

- (f) earnings-related supplement;
- (g) injury benefit in excess of the amount of any sickness benefit or invalidity pension which would have been payable to a coal industry employee had he been entitled to receive sickness benefit or invalidity benefit in place of that injury benefit;
- (h) pension benefits, other than widows' benefits, paid under the Mineworkers' Pension Scheme or the Coal Industry Ancillary Workers Pension Scheme;
- (i) 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;
- (j) 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;

by the amount of any such benefits which such employee becomes entitled to receive after the relevant date.

(2) 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.

(3) In any week commencing before 6th April 1973 in respect of which a coal industry employee is entitled to receive under paragraph (2) 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 amounts referred to in paragraph (1) which such employee is entitled to receive in respect of that same week.

(4) The weekly sum payable by virtue of Article 5(1)(b) in respect of a week commencing on or after 6th April 1974 to a coal industry employee whose relevant date falls on or after the said date shall be reduced by an amount equal to any increase in the amount of unemployment benefit for a man over the age of 18 with one adult dependant which may have been made during the 12 months immediately preceding 6th April 1974.

(2) (Rev.XXIV, p. 597: 1943 I, p. 1016).

(5) The weekly sum payable by virtue of Article 5(1)(b) in respect of a week commencing on or after 6th April 1975 to a coal industry employee whose relevant date falls on or after the said date, having been reduced in accordance with paragraph (4) of this Article, shall be further reduced by an amount equal to any increase in the amount of unemployment benefit for a man over the age of 18 with one adult dependant which may have been made during the 12 months immediately preceding 6th April 1975.

(6) Where a coal industry employee makes an election under Article 5(4), paragraphs (4) and (5) of this Article shall not apply and the weekly sum referred to in Article 5(1)(b) shall be reduced by an amount equal to any increase in the amount of unemployment benefit for a man over the age of 18 with one adult dependant which may have been made during the period between 5th April 1973 and the 6th April immediately preceding the date substituted as the relevant date by virtue of an election under Article 5(4).

Limitation of benefits

7.—(1) No weekly payment except under Article 8(1) shall be made under this Scheme to any coal industry employee who receives any payment, other than widow's benefit, under the Staff Superannuation Scheme or the Coal Industry (Ancillaries) Staff Superannuation Scheme.

(2) Subject to paragraphs (4) and (5), no weekly payments shall be made under this Scheme to any coal industry employee in respect of any day in any week unless in respect of such day that employee satisfies the conditions for receipt of unemployment benefit, sickness benefit or invalidity 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;
- (d) being a married woman or widow and having elected not to pay National Insurance contributions;
- (e) (in the case of unemployment benefit only) being self-employed for a period after the relevant date;

and for the purposes of this paragraph, payments in respect of any day shall be one-sixth of the appropriate weekly rate.

(3) No weekly 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 self-employed or in the employment of a person other than a coal industry employer the weekly payment to him under this Scheme shall not exceed—

- (a) the basic benefit adjusted if appropriate in accordance with Article 6; or
- (b) the sum of £8,

whichever shall be the less.

(5) Paragraph (2) shall not apply to any coal industry employee who resides outside the United Kingdom and is considered by the Secretary of State, having regard to sub-paragraphs (a) to (e) of that paragraph, to have satisfied in respect of any day in any week the conditions for receipt of benefits corresponding to unemployment benefit, sickness benefit or invalidity benefit in the country in which that employee resides.

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Additional weekly benefits payable

8.—(1) Subject to paragraph (3) the Secretary of State may pay to any coal industry employee who has been eligible to receive weekly payments under this Scheme (otherwise than under this Article) or under either of the former Schemes in respect of any week commencing after he ceased to be so eligible a weekly sum equal to the sum that would be payable to him under Article 6(2) were he eligible for payment under that paragraph.

Provided that no such sum shall be payable in respect of any week—

- (a) before this Order comes into operation; or
- (b) in which that employee fails to satisfy the conditions specified in Article 7(2) and is not, by virtue of Article 7(5), considered by the Secretary of State to have satisfied those conditions.

(2) In respect of any week commencing after 27th April 1973 but before the expiry of twenty-eight days from the date on which this Order comes into operation for which a coal industry employee would have been eligible to receive a payment under paragraph (1) had this Order come into operation on 27th April 1973 the Secretary of State may pay that employee the sum of £2.

(3) The weekly sum payable under paragraph (1) to an employee who is in receipt of a pension under the Staff Superannuation Scheme or the Coal Industry (Ancillaries) Staff Superannuation Scheme shall be reduced or extinguished, as the case may be, by the amount by which the weekly value of such pension exceeds £5.

Duration of benefits

9.—(1) Subject to the following paragraphs of this Article, weekly 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) 29th March 1986,

whichever shall first occur.

(2) No coal industry employee shall be eligible for weekly payments under Article 5 of 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 the period of 156 weeks referred to in paragraph (2) nor the two periods of 52 weeks referred to in Article 5(2).

(4) Any day or week in respect of which a coal industry employee is disqualified under Article 7(2) from receiving weekly payments under this Scheme shall be taken into account in calculating such period of 156 weeks.

Meaning of Employment in Article 7 and 9

10. For the purposes of Article 7(3) and (4) and Article 9, 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

11. Where the total weekly payment to a coal industry employee under this Scheme exceeds five new pence or a multiple thereof by a fraction of five new pence that fraction shall be disregarded

if it is less than two and a half new pence and shall be treated as five new pence if it is two and a half new pence or more.

Time of payment of benefits

12. Weekly payments to a coal industry employee under this Scheme may be paid in arrear and at intervals of not more than 6 weeks.

Claims for weekly payments

13.—(1) Subject to paragraph (2), it shall be a condition of the making of weekly payments under this Scheme to any coal industry employee that a claim for those payments shall be submitted to the Secretary of State not later than 26 weeks after the relevant date.

(2) In any case in which the Secretary of State is satisfied that there is reasonable ground for failing to make a claim within such period as aforesaid he 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 notwithstanding that such period has expired.

Lump Sum Payments

14.—(1) The Secretary of State may pay to any coal industry employee who—

- (a) satisfies the conditions contained in paragraphs (a) and (b) of Article 3; and
- (b) on the relevant date had attained the age of 35 but had not attained the age of 55 or who, having attained the age of 55 had not attained the age of 65 in the case of a man or 60 in the case of a woman, and is not eligible to receive payments under Article 5; and
- (c) satisfies the conditions contained in either paragraph (a) or (b) of Article 4(1), the sums specified in Appendix 5 in relation to his total period of employment (determined in accordance with Article 4(2)) with one or more coal industry employers or with any other employer at a coal mine or at a prescribed place prior to 1st January 1947 and to his age on the relevant date.

(2) No payments shall be made under this Article—

- (a) in respect of more than 25 years' employment in the aggregate; or
- (b) of a total amount exceeding £1,250; or
- (c) in respect of any completed year of employment for which payment has been made under this Article; or
- (d) for any completed year in respect of which payment has been made under an agreement dated 5th June 1973 made between the Board and the National Union of Mineworkers providing for lump sum redundancy payments in the Coke and By-Products Industry.

(3) The sums payable under paragraph (1) to a coal industry employee who on the relevant date had attained the age of 64 in the case of a man, or 59 in the case of a woman, shall be reduced by one-twelfth in respect of each whole month by which such employee exceeds the said age.