

EXPLANATORY MEMORANDUM TO
THE COAL INDUSTRY ACT 1994 (COMMENCEMENT NO. 8 AND TRANSITIONAL
PROVISION) ORDER 2014

2014 No. 888 (C. 37)

1. This explanatory memorandum has been prepared by Department of Energy and Climate Change and is laid before Parliament.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 The Order brings into force certain of the repeals specified in Part 3 of Schedule 11 to the Coal Industry Act 1994 (c. 21) (“the 1994 Act”). In particular, repeal of the provisions concerning payments schemes for the making of payments to redundant mineworkers and in respect of arrangements relating to concessionary coal contained in the Coal Industry Act 1977 (c. 39) (“the 1977 Act”), related provisions and the remaining provisions of the Acts of Parliament of which the previously mentioned provisions were the only remaining substantive provisions. Transitional provision is made so that overpayments made under the schemes can continue to be recovered from beneficiaries.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 As this Commencement Order makes transitional provision, it is subject to the negative resolution procedure by reason of section 68(5) of the 1994 Act.

4. **Legislative Context**

4.1 This Order is the eighth commencement order made under the 1994 Act, which received Royal Assent on 5th July 1994.

4.2 As a consequence of commencing the repeal of section 7 of the 1977 Act, the following list of statutory instruments will be impliedly repealed. These instruments were either made under section 7 of the 1977 Act, or under section 3 of the Coal Industry Act 1967 (c. 91), which was repealed by the 1977 Act but certain instruments made under it were saved by section 7(10) of the 1977 Act.

1. The Redundant Mineworkers (Payments Scheme) Order 1968 (S.I. 1968/987);
2. The Redundant Mineworkers (Payments Scheme) (Amendment) Order 1971 (S.I. 1971/553);
3. The Redundant Mineworkers (Payments Scheme) Order 1972 (S.I. 1972/335);

4. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1973 (S.I. 1973/1268);
5. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1975 (S.I. 1975/545);
6. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1976(S.I. 1976/495);
7. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1977 (S.I. 1977/524);
8. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1978 (S.I. 1978/415);
9. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1979 (S.I. 1979/385);
10. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1980 (S.I. 1980/434);
11. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment No 2) Order 1980 (S.I. 1980/835);
12. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment No 3) Order 1980 (S.I. 1980/1984);
13. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1981 (S.I. 1981/482);
14. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1982 (S.I. 1982/407);
15. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1985 (S.I. 1985/558);
16. The Coal Industry (Limit On Payments in Respect of Redundant Mineworkers) Order 1986 (S.I. 1986/631);
17. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1987 (S.I. 1987/1258);
18. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1988 (S.I. 1988/1252);
19. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1989 (S.I. 1989/1201);
20. The Redundant Mineworkers (Payments Schemes) (Amendment and Consolidation) Order 1996 (S.I. 1996/1288).

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 This Order is made as a result of the government's 'Red Tape Challenge' programme which sought the views of businesses and the public on the removal and reform of areas of regulation. DECC holds primary responsibility for the 'Red Tape Challenge Energy Theme' under which these revocations are being delivered.

7.2 The payments schemes for the making of payments to redundant mineworkers and in respect of arrangements relating to concessionary coal which were contained in the 1977 Act have come to an end, and the last payments were made in the year 2000.

7.3 The coal industry was privatised as a result of restructuring under the 1994 Act, so any redundancy payments in future to redundant mineworkers would be covered by the usual rules on redundancy for employees (meaning the statutory rules on payments and any additional entitlement under the miners' employment contracts). Therefore the provisions concerning the payments schemes are redundant and the prospective repeals of these provisions made by the 1994 Act can now be commenced.

7.4 The provisions governing the payments schemes were amended over the years and these amending enactments were also listed in Part 3 of Schedule 11 to the 1994 Act. The repeals of the amending enactments are also being commenced, as are the repeals of provisions remaining in those Acts of Parliament which no longer serve any purpose once the amending enactments are repealed. All of the Acts containing amending enactments, the repeals of which have been commenced by this Order are, as a result, now repealed in their entirety.

- Consolidation

7.5 This is not a consolidation.

8. Consultation outcome

8.1 No specific consultation concerning the Commencement Order was undertaken. As part of the Red Tape Challenge, every few weeks regulation affecting a specific sector or industry (as well as that of general regulation that cuts across sectors) is published by the Cabinet Office online (at this web address: <http://www.redtapechallenge.cabinetoffice.gov.uk/home/index/>) for the public and stakeholders to suggest how they can be 'scrapped' or 'improved'. The department also ran an internal challenge process to identify measures which could be removed or reformed, which identified the enactments being repealed and revoked. No external comments were received concerning the enactments.

9. Guidance

9.1 No guidance has been produced in respect of this Order.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 There is no need for monitoring or review.

13. Contact

Jeremy Cousins at the Department of Energy and Climate Change Tel: 0300 068 5706 or email: jeremy.cousins@decc.gsi.gov.uk can answer any queries regarding the instrument.