The Coal Industry Nationalisation (Superannuation) Regulations, 1950

1950 No. 376

Made - - - -	17*th March*, 1950
Laid before Parliament	20*th March*, 1950
Coming into Operation	1*st April*, 1950

The Minister of Fuel and Power (in these regulations referred to as "the Minister") in exercise of the powers conferred upon him by section thirty-seven of the Coal Industry Nationalisation Act, 1946(a), (in these regulations referred to as "the Act of 1946") as amended by section four of the Coal Industry Act, 1949(b), (in these regulations referred to as "the Act of 1949") and of all other powers him enabling, hereby makes the following regulations:—

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* 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 therewith 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 accruer, 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

(a) 9 & 10 Geo. 6. c. 59. (b) 12, 13 & 14 Geo. 6. c. 53.

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

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;

(*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(**a**).

Duty of Board to safeguard superannuation rights and expectations

3.—(1) In the case of persons, whether taken into the service of the Board or not, who have been before the primary or other vesting date in transferred employment, where either—

(*a*) a right to any particular benefits in favour of any such person, or in favour of another person by reference to his employment, ceases or is

(**a**) 7 & 8 Geo. 6. c. 15.

prejudiced by reason of his ceasing in consequence of the passing of the Act of 1946 to be employed by his previous employer or in the activities constituting such employment; or

(*b*) any such person has retired from transferred employment before the primary or other vesting date, and he, or another person by reference to his employment, has been in receipt of benefits granted in respect of his employment, whether as of right or under customary practice;

the Board shall either provide by a scheme or other arrangement established by them benefits for such persons as aforesaid in all respects the same as, or not less advantageous than, the benefits mentioned in sub-paragraphs (*a*) or (*b*) of this paragraph, as the case may be, or participate in and continue an existing scheme or other arrangement under which such benefits are granted.

(2) In the case of persons, whether taken into the service of the Board or not, who have been before the primary or other relevant vesting date in transferred employment, where an expectation of accruer, whether as of right or under customary practice, of any particular benefits in favour of any such person, or in favour of another person by reference to his employment, ceases or is prejudiced by virtue of his ceasing in consequence of the passing of the Act of 1946 to be employed by his previous employer or in the activities constituting such employment, the Board shall provide in his favour, or in favour of that other person by reference to his employment, fair and reasonable compensation for the cesser of or prejudice to that expectation. Such compensation shall be a pension, gratuity or benefit of the same kind payable on the happening of the same events as the benefits expected to accrue and calculated (so far as practicable) on the same basis as those benefits by reference—

(*a*) to the period of employment to service wherein that expectation was ascribable; and

(*b*) (except where the benefits expected to accrue would not have been ascertained by reference to emoluments enjoyed by him) to the emoluments enjoyed by him during that period;

and shall take into account any loss of benefits which might have been expected to accrue by virtue of employment after the expiration of the period referred to in sub-paragraph (*a*) hereof in accordance with the three next following paragraphs of this regulation, or, if the Board so decide after considering any preference expressed by him, shall be a pension, gratuity or benefit not less advantageous than that so payable and calculated:

Provided that no compensation shall be payable in respect of the loss of or prejudice to any expectation unless a claim in writing in respect thereof is made to the Board not later than two years, subject to the provisions of paragraph (7) of this regulation, from the date on which the person concerned ceased to be employed by his previous employer or in the activities aforesaid (whichever caused the prejudice or cesser) or, if later, from the coming into operation of these regulations.

(3) In the case of any person taken into the service of the Board to whom or by reference to whose employment compensation is to be provided under the last preceding paragraph by reason of his ceasing to be employed in that service, there shall be added to the period referred to in sub-paragraph (*a*) of that paragraph his period of service with the Board and (except where the benefits expected to accrue would not have been ascertained by reference to emoluments enjoyed by him) the emoluments to be

referred to shall be the amount described in sub-paragraph (*a*) or sub-paragraph (*b*) of this paragraph whichever is the greater, that is to say—

(*a*) the amount of his emoluments in any year during his period of service with the Board relevant for the purpose of the calculation of compensation in accordance with the last preceding paragraph of this regulation or, if less, the amount calculated in accordance with the provisions of the schedule hereto in respect of that year, or

(*b*) the emoluments enjoyed by him during the employment to which his expectation was ascribable together with any regular periodical increase or any specific increase of emoluments at any particular time of which he had an assurance if that employment had continued, being a time during his service with the Board.

(4) In the case of any person to whom or by reference to whose employment compensation is to be provided under paragraph (2) of this regulation, if he was not taken into the service of the Board, by reason of his ceasing to be employed in the employment to which his expectation was ascribable, or, if he was taken into the service of the Board, by reason of his ceasing to be employed in that service,—

(*a*) who had attained the age of forty at the time of such cesser (being before the benefits were expected to accrue), and

(*b*) who had 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,

there shall, in calculating the compensation to be provided by reason of that cesser, be added to the period referred to in sub-paragraph (*a*) of that paragraph one year for each complete year of such employment or service after attaining forty, subject to a maximum of ten years or the number of complete years between the date when such employment or service ceased and the earliest time at which benefits were expected to accrue on retirement whichever is the less: so however that the added years may be reduced or excluded having regard to any emoluments or pension rights arising from further employment which he has or could have obtained.

(5) In calculating any compensation payable by virtue of either of the two last preceding paragraphs account shall be taken of any contribution which the person would have made in respect of any period added to the period referred to in subparagraph (*a*) of paragraph (2) of this regulation towards the benefits expected to accrue but no account shall be taken of any amount by which any emoluments exceed £4,000 per annum, and no payment shall be made by virtue thereof such that the aggregate annual value of any benefits receivable by a person in connection with any employment of his (all such benefits being expressed as a pension for life) would exceed either two-thirds of the emoluments received by him in the last year of his service in transferred employment, or, if taken into the service of the Board, in that service, or the annual value of any benefits (expressed as aforesaid) which he would have received if he had continued in employment, or in

the service of the Board, as the case may be, receiving those emoluments until the earliest time at which those benefits were expected to accrue on retirement.

(6) There shall be referred to a referee or board of referees appointed by the Minister of Labour and National Service any dispute arising—

(*a*) in relation to paragraph (1) of this regulation, whether the benefits provided by the Board under that paragraph are the same as, or not less advantageous than, those the right to which has so ceased or been prejudiced or, as the case may be, those that had been received; or

(*b*) in relation to paragraph (2) of this regulation, whether compensation provided by the Board under that paragraph satisfies the requirements thereof.

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.

(7) The Minister may, on written application being made to him in that behalf, whether the period referred to in the proviso to paragraph (2) of this regulation has expired or not, extend that period in any case in which he is satisfied that there is reasonable ground for the claim not being or not having been made in that period.

(8) If the Board shall be of opinion that any benefit to which any such person had a right or an expectation of accruer as aforesaid, or of which any such person had been in receipt as aforesaid, was granted or increased on or after the first day of August, 1945, otherwise than in the ordinary course, in connection with any provision made by the Act of 1946 or with any anticipation of the making of any such provision, the Board may, at any time within twelve months from the relevant date or the date on which the Board first have notice of such grant or increase (whichever date is the later) give notice to the effect that they are of that opinion to such person, and if the Board give such a notice they shall not be under obligation under a scheme or other arrangement either established or continued by them to provide benefits so granted or to the extent of such increase:

Provided that a person to whom a notice is given by the Board in pursuance of this paragraph, may, within one month from the date on which the notice is served on him, if the Minister consents, refer the matter to arbitration under the Act of 1946; and if the matter is so referred the arbitrator shall consider whether or not the opinion of the Board was justified and, if not, or not wholly, justified, to what extent (if at all) the benefits so granted, or the amount of the increase, should bind the Board; and any adjustment required in consequence of such a determination shall be made accordingly.

Amendment of existing schemes

4.—(1) As from the relevant date every scheme and other arrangement and every regulating instrument in connection therewith which relates exclusively to—

(*a*) persons, who have been in transferred employment before the primary or other relevant vesting date and to whom paragraph (1) or paragraph (2) of regulation three applies (other than persons referred to in paragraph (6) of this regulation);

(*b*) persons, other than as aforesaid and other than persons referred to in the said paragraph (6), taken into the employment of the Board before the commencement of the Act of 1949 being persons who had been in employment in or in connection with coal industry activities or transferred allied activities;

and whereby pensions, gratuities or other like benefits are provided for them or other persons by reference to their employment (in these regulations referred to as "an exclusive scheme") shall unless the context otherwise requires have effect—

(i) as if references to the Board were substituted for references to the employer of such a person;

(ii) as if references to the Board were substituted for references to the directors of an employer being a company;

(iii) as if references to a member, or corresponding officer, of the Board were substituted for references to a director, or officer, of an employer;

(iv) as if references to a "financial year" meant a "financial year of the Board" as defined in subsection (1) of section sixty-three of the Act of 1946; so however that that expression shall mean, in relation to the current financial year at the relevant date, that year but ending at the end of the then current financial year of the Board;

(v) as if references to the ownership of a colliery or collieries in a specified district included references to a colliery or collieries owned by the Board in that district, or in any district corresponding to or comprising that district, by whatsoever name that district may be called or described.

(2) If any exclusive scheme provides for the appointment of a trustee or trustees to represent the employer, the Board may appoint any person or persons as trustee or trustees to represent the Board; but unless another person or other persons are so appointed the person or persons who are trustees at the relevant date shall without prejudice to his or their right (if any) to retire, remain trustees.

(3) In any case in which an exclusive scheme provides for an office being held by a person bearing a description not applicable to the Board, the Board shall determine their officer who is to hold such office.

(4) Any provision in an exclusive scheme which authorises or requires an account to be with a particular bank shall be construed as if, in addition, it enabled such account to be with any other bank specified by the Board.

(5) Provisions in any exclusive scheme limiting the eligibility for membership of the scheme to the employees, or specified classes or descriptions of employees, of a particular employer shall, as from the relevant date, be construed as limiting that eligibility to the employees, or the specified classes or descriptions of employees, employed at the undertaking which formerly comprised the concern of that employer, and to persons who were so employed immediately before the relevant date.

(6) The persons excepted from paragraph (1) of this regulation are any persons who were employed by a colliery concern engaged in the working and getting of coal comprised in a mine of the class specified in paragraph (*a*) of subsection (2) of section thirty-six of the Act of 1946 if before the expiration of six months from the relevant date the Board granted a licence under the said subsection (2) authorising the working and getting of coal from that mine by that concern and they continued to work after the relevant date at that mine and were employed thereat by that concern.

5.—(1) As from the relevant date every scheme and other arrangement, and every regulating instrument in connection therewith, existing at the relevant date which relates partly but not exclusively to such persons as fall within sub-paragraph (*a*) or (*b*) of paragraph (1) of the last preceding regulation (in these regulations referred to as a "non-exclusive scheme") shall be deemed in all respects to be, and shall be administered as, two separate schemes, being as to one part a scheme for the benefit of all persons who are entitled to benefit, or were in receipt of any benefit, under such non-exclusive scheme and who are persons within the said paragraphs (in these

regulations referred to as " the Board's part "), and as to the other part a scheme for the benefit of all other persons who were entitled to benefit, or were in receipt of any benefit, under such non-exclusive scheme (in these regulations referred to as " the employer's part ").

(2) As soon as practicable after the relevant date the funds, assets and liabilities as at that date of every non-exclusive scheme shall be apportioned between the Board's part and the employer's part. Any adjustment consequent on any person falling within sub-paragraph (*a*) or (*b*) of the said paragraph (1) subsequently to that date shall be made as soon as practicable thereafter. Every apportionment and adjustment as aforesaid shall, in default of agreement between the parties, be determined by an actuary appointed by the Minister.

(3) The part of such assets and funds as aforesaid apportioned (whether or not as the result of adjustment) to the Board's part shall, if vested in the employer, be transferred to the Board and if vested in trustees shall be transferred to the trustees of the Board's part appointed (or when appointed) as mentioned in the next following paragraph; and the part of such liabilities as aforesaid apportioned (whether or not as the result of adjustment) to the Board's part shall have effect as against the Board or, as the case may be, the trustees of the Board's part.

(4) In the case of any non-exclusive scheme which provides for the appointment of trustees or for the election or appointment of a committee, trustees of the Board's part shall be appointed or, as the case may be, a committee in respect of the Board's part shall be elected or appointed as soon as practicable after the relevant date in accordance with such provisions; the existing trustees or, as the case may be, committee shall, until such appointment or election, continue to act in respect of both the Board's part and the employer's part.

(5) Where any policy of assurance forms part of the assets of a non-exclusive scheme and the benefits and liabilities thereunder have been apportioned as aforesaid the assurer shall issue in substitution for such policy two policies to give effect to such apportionment as aforesaid, one in favour of the Board or, as the case may be, the trustees of the Board's part and the other in favour of the person or persons in whose favour the said policy stood at the date of such apportionment.

(6) The provisions of the last preceding regulation shall apply with requisite modifications to the Board's part of a non-exclusive scheme as they apply to an exclusive scheme.

(7) Any reference in a non-exclusive scheme to the employer ceasing to carry on business (whether or not for the purpose of reconstruction) or being wound up or going into liquidation or becoming bankrupt shall, in relation to the Board's part, cease to have effect.

(8) For the purposes of this regulation the expression " actuary " means a person who holds the diploma of Fellowship of the Institute of Actuaries or of the Faculty of Actuaries in Scotland.

6. As from the relevant date no person not then already entitled to participate in an exclusive scheme or in the Board's part of a non-exclusive scheme shall unless the Board in writing so permit, become entitled to participate therein.

7. No amendment deemed to have been made by the provisions of the three last preceding regulations shall affect any liability of the employer which has accrued before the relevant date; and any such liability may be enforced as if such provision had not been made.

8. Nothing in these regulations shall apply to any scheme or other arrangement or to any regulating instrument in connection therewith—

(*a*) established for the purposes of or in connection with the Workmen's Compensation Acts, 1925 to 1945, or the enactments repealed by the Workmen's Compensation Act, 1925, or the Workmen's Compensation Act, 1906;

(*b*) established by a trade union within the meaning of the Trade Union Act, 1913(**a**); or

(*c*) established by the rules of a friendly society, whether registered under the Friendly Societies Act, 1896(**b**), or not, if the Minister is satisfied that the number of members of such scheme or other arrangement who were immediately prior to the primary vesting date employed in coal industry activities or transferred allied activities was not a substantial proportion of the total membership of such scheme or other arrangement.

Interpretation

9.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act of 1946" means the Coal Industry Nationalisation Act, 1946;

"the Act of 1949" means the Coal Industry Act, 1949;

"the Board" means the National Coal Board;

"the Board's part" and "the employer's part" have the meanings respectively assigned to them by paragraph (1) of regulation five of these regulations;

"employer" means, in relation to a person who had retired before the relevant date, the person who was his employer at the date of his retirement;

"exclusive scheme" has the meaning assigned to it by paragraph (1) of regulation four of these regulations;

"the Minister" means the Minister of Fuel and Power;

"non-exclusive scheme" has the meaning assigned to it by paragraph (1) of regulation five of these regulations;

"regulating instrument" means any trust deed, rules or other instrument made for the purposes of any scheme or other arrangement as mentioned in these regulations and includes any policy of insurance, bond, indemnity or other similar instrument for securing benefits mentioned in any such scheme or other arrangement or in any trust deed, rules or other instrument as aforesaid;

"relevant date" in relation to a scheme or other arrangement means the date or, if more than one, the first date on which either assets, in relation to which persons participating therein were employed, vest in the Board by virtue of the Act of 1946, or any such person, being a person within sub-paragraph (*a*) or (*b*) of paragraph (1) of regulation four, was taken into the service of the Board;

"transferred employment" means employment—

(*a*) in or in connection with coal industry activities by a colliery concern, a class A subsidiary of a colliery concern, the Coal Commission, a body administering a selling scheme, a selling agent appointed under a group selling scheme or the South Yorkshire Mines Drainage Committee; or

(**a**) 2 & 3 Geo. 5. c. 30. (**b**) 59 & 60 Vict. c. 25.

(*b*) in or in connection with transferred allied activities by the owner of an interest falling within Part II, III or IV of the first schedule to the Act of 1946 that vests in the Board by virtue of the exercise of an option being activities for which that interest was owned or for which things wherein that interest subsisted were used;

"war service" means service in any of His Majesty's Forces or such other employment as the Minister may in writing approve, being service or employment on or after the twenty-sixth day of May, 1939.

(2) Where any periods of employment or service aggregated for the purposes of sub-paragraph (*b*) of paragraph (1) of regulation two or sub-paragraph (*b*) of paragraph (4) of regulation three include fractions of a year those fractions shall be included and where the total period of such employment or service includes a fraction of a year exceeding six months that fraction shall be treated as one year.

(3) The Interpretation Act, 1889(**a**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

10. The Coal Industry Nationalisation (Superannuation) Regulations, 1946(**b**), the Coal Industry Nationalisation (Superannuation) Regulations, 1947(**c**), and the Coal Industry Nationalisation (Superannuation) Regulations, 1948(**d**), are hereby revoked but anything done under or for the purposes of those regulations shall be deemed to have been done under or for the purposes of these regulations.

11. These regulations shall come into operation on the first day of April, nineteen hundred and fifty, but shall then be deemed to have had effect from the first day of January, nineteen hundred and forty-seven, and may be cited as the Coal Industry Nationalisation (Superannuation) Regulations, 1950.

Dated this seventeenth day of March, nineteen hundred and fifty.

Philip Noel-Baker,
Minister of Fuel and Power.

SCHEDULE Regulation 3(3)

The amount referred to in sub-paragraph (*a*) of paragraph (3) of regulation 3 for any person in respect of any year shall be that calculated in accordance with the formula—

$$E \times \frac{R}{S}$$

where "E"=the amount of the emoluments enjoyed by him during the last year of the employment to which his expectation was ascribable;

"R"=the figure shown in column 2, 3 or 4 (whichever applies) in the following table in relation to his age in the relevant year;

"S"=the figure shown in column 2, 3 or 4 (whichever applies) of the following table in relation to the age at which he entered the service of the Board;

but in a case in which column 3 or 4 applies and in which the amount arrived at in accordance with that formula is less than the amount which would be so arrived at if the relevant emoluments had been £999 or £1,999, as the case may be, the amount referred to in the said sub-paragraph (*a*) shall be that calculated in accordance with that formula on the basis of those emoluments.

(a) 52 & 53 Vict. c. 63. (b) S.R. & O. 1946 (No. 2198) I, p. 282.
(c) S.R. & O. 1947 (No. 2090) I, p. 312. (d) S.I. 1948 (No. 2430) I, p. 483.

TABLE

Col. 1	Col. 2	Col. 3	Col. 4
Age of employee	Emoluments during last year of employment to which expectation was ascribable were		
	less than £1,000	not less than £1,000 but less than £2,000	not less than £2,000
20	100	180	214
21	117	180	214
22	133	180	214
23	148	180	214
24	159	180	214
25	170	180	214
26	180	180	214
27	188	188	214
28	195	195	214
29	202	202	214
30	208	208	214
31	214	214	214
32	219	219	219
33	225	225	225
34	230	230	230
35	235	235	235
36	242	242	242
37	248	248	248
38	255	255	255
39	261	261	261
40	268	268	268
41	274	274	274
42	280	280	280
43	285	285	285
44	290	290	290
45	294	294	294
46	299	299	299
47	303	303	303
48	307	307	307
49	311	311	311
50	314	314	314
51	318	318	318
52	321	321	321
53	323	323	323
54	326	326	326
55	328	328	328
56	330	330	328
57	332	332	328
58	334	334	328
59	336	336	328
60	338	338	328

Col. 1	Col. 2	Col. 3	Col. 4
Age of employee	Emoluments during last year of employment to which expectation was ascribable were		
	less than £1,000	not less than £1,000 but less than £2,000	not less than £2,000
61	340	338	328
62	342	338	328
63	343	338	328
64	344	338	328
65	345	338	328

EXPLANATORY NOTE

(This Note is not part of these regulations, but is intended to indicate their general purport.)

These regulations consolidate the provisions of the Coal Industry Nationalisation (Superannuation) Regulations, 1946, 1947 and 1948 with the amendments arising from the provisions of section 4 of the Coal Industry Act, 1949 (herein referred to as "the Act of 1949") which amended section 37 of the Coal Industry Nationalisation Act, 1946 (herein referred to as "the Act of 1946"). The amendments (other than drafting amendments) are indicated by underlining or side-lining.

In consequence of the provisions of subsection (1) of section 4 of the Act of 1949 in regulations 2 and 3 references are made to persons in transferred employment (defined in regulation 9) where previously there were references to persons in employment in or in connection with coal industry activities or transferred allied activities.

Regulation 4 (which deals with the continuance and amendment of existing pension schemes) is altered to accord with subsection (2) of section 4 of the Act of 1949 which provided that the power in paragraph (*c*) of section 37 (1) of the Act of 1946 to continue, amend or revoke existing schemes should be limited to schemes in favour of persons specified in the new subsection.

In accordance with subsection (3) of section 4 of the Act of 1949 paragraphs (2) to (5) of regulation 3 provide for compensation in relation to an expectation of accruer of particular benefits arising from the employment of persons in transferred employment where the expectation ceases or is prejudiced by reason of loss of employment or employment in other activities in consequence of the Act of 1946. The claim must be made within two years of the loss or change of employment or of the date of operation of these regulations, whichever is later subject to any extension of that time granted by the Minister. The compensation will be a pension, gratuity or benefit of the same kind payable at the same time as the benefits expected to accrue and calculated on the same basis as those benefits by reference to the period of service on which the expectation was based and the emoluments received therein or a pension gratuity or benefit not less advantageous. Loss in respect of benefits expected to accrue by virtue of employment after this period is taken into account in paragraph (3) of regulation 3 by including

the period of any service with the Board and certain increases in emoluments which are enjoyed in the service of the Board or might be expected to have been enjoyed during that period in the old employment. Further, if the claim arises through loss of employment when the claimant is over forty years of age and has served at least ten years in the industry, added years with a maximum of ten are included by virtue of paragraph (4) of regulation 3. The additional benefits under paragraphs (3) and (4) are subject to the limits specified in paragraph (5).

In accordance with subsection (4) of section 4 of the Act of 1949 any question arising under regulation 3 may be referred to a referee or board of referees appointed by the Minister of Labour.

These regulations, in pursuance of section 37 (3) of the Act of 1946, on coming into operation are to have effect from 1st January, 1947 (the date of coming into operation of the 1946 regulations) since the amendments made by the Act of 1949 to section 37 of the Act of 1946 are retrospective.

The Coal Industry Nationalisation (Interim Income) (Rates of Interest) Order, 1950

1950 No. 967

Made - - - - 12*th June*, 1950

Whereas it is provided by paragraph (*a*) of subsection (2) of section 22 of the Coal Industry Nationalisation Act, 1946(**a**), that the right to interim income conferred by subsection (2) of section 19 of the said Act shall be satisfied, so far as regards income for the period between the primary vesting date and the time when any amount of compensation in respect of a transfer of transferred interests or of an overhead expenses increase is satisfied (which period is hereinafter called " the said period "), by making a money payment of an amount equal to interest for the said period on that amount of compensation at such rates or rates as may be prescribed as respects the said period or different parts thereof by order of the Treasury :

Now therefore, the Treasury, in pursuance of the said paragraph (*a*) and of all other powers enabling them in that behalf, hereby make the following Order:—

1. The rates for the purposes of the said paragraph shall be

(*a*) for such part of the said period as elapsed between the 1st January, 1949, and the 30th June, 1949 : 3 per cent. per annum ;

(*b*) for such part of the said period as elapsed between the 1st July, 1949, and the 30th June, 1950 : 3½ per cent. per annum.

2.—(i) This Order may be cited as The Coal Industry Nationalisation (Interim Income) (Rates of Interest) Order, 1950.

(ii) The Interpretation Act, 1889(**b**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Dated this 12th day of June, 1950.

R. J. Taylor,
Wm. Hannan,

Two of the Lords Commissioners of His Majesty's Treasury.

(a) 9 & 10 Geo. 6. c. 59. (b) 52 & 53 Vict. c. 63.