The Board's part of the British Fund Retirement System of the International Nickel Company of Canada.

The Board's part of the pension fund of Lambton Hetton and Joicey Collieries Ltd.

The Board's part of the staff pension scheme of the Lilleshall Co. Ltd.

The staff pension fund of the Lothian Coal Co. Ltd.

The staff pension scheme of Parkhouse Collieries.

The Board's part of the Staveley Company's Staff Superannuation Fund.

The staff pension scheme of the Yorkshire Coal Owners' Mutual Indemnity Co. Ltd.

EXPLANATORY NOTE

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

These regulations provide for the winding up of certain schemes or parts of schemes (listed in the schedule to the regulations) which provided superannuation benefits for employees of colliery concerns and other undertakings. The members whom they covered are identified in reg. 1, and are those referred to in sec. 4 (2) of the Coal Industry Act, 1949. Where such persons were the only persons covered by a particular scheme, the whole scheme is now wound up. Where a particular scheme covered other persons as well, that scheme was required to be split under the appropriate regulations made by the Minister of Fuel and Power under the Coal Industry Nationalisation Act, 1946; and only the National Coal Board's part of the scheme is wound up by these regulations.

Assets and outstanding liabilities pass to the trustees of the principal superannuation scheme of the National Coal Board; and any surplus after discharge of those liabilities is to be applied for the purposes of that scheme.

The Coal Industry (Superannuation Scheme) (Winding Up, No. 3) Regulations, 1951

1951 No. 2010

Made - - - -	21*st November*, 1951
Laid before Parliament	23*rd November*, 1951
Coming into Operation	30*th November*, 1951

The Minister of Fuel and Power 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:—

Application

1. These regulations apply to each of the superannuation schemes specified in the schedule to these regulations, being schemes or other arrangements for the provision of pensions, gratuities or other like benefits in favour of—

(*a*) persons to whom sub-section (2) of section thirty-seven of the Act of 1946, as amended by section four of the Act of 1949, applies, or

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

(*b*) persons, other than as aforesaid, taken into the employment of the National Coal Board (in these regulations referred to as "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,

with respect to which—

(i) provision for the payment of all benefit becoming due is made under one or more contracts of insurance, and

(ii) all members (other than those who had become entitled to benefit before the commencement of these regulations) have with the consent of the insurers concerned become members of the principal scheme (as defined in regulation five).

Amendment of certain trust deeds

2.—(1) Every instrument whereby any person was at the commencement of these regulations constituted a trustee of any scheme specified in the first part of the schedule aforesaid (in these regulations referred to as a "trustee scheme") shall have effect subject to the modification that every trustee so constituted shall cease as from the said commencement to be such a trustee, and that the trustees for the time being of the principal scheme shall thereafter be trustees of each trustee scheme.

(2) All property, rights, liabilities and obligations vested immediately before the commencement of these regulations in the trustees of any trustee scheme in their capacity as such are hereby transferred without further assurance to the trustees of the principal scheme in their capacity as trustees of the trustee scheme concerned:

Provided that nothing in this paragraph shall relieve any trustee from any liability for any breach of trust, except in so far as under any instrument creating the trust he is entitled to an indemnity in respect thereof from assets available for the purposes of the scheme concerned.

Winding up of schemes

3.—(1) Subject to the provisions of these regulations, each scheme to which these regulations apply shall cease to have effect:

Provided that each such scheme shall continue to apply in relation to the payment of benefits—

(*a*) to any member or other person who had before the commencement of these regulations become entitled to benefits under it; and

(*b*) to any person becoming entitled to benefits by virtue of the membership of a member to whom sub-paragraph (*a*) applies.

(2) Nothing in this regulation shall affect the due discharge of any right, liability or obligation acquired or incurred in connection with the operation of any scheme to which these regulations apply (otherwise than in respect of the rights of any person as a member of the scheme) before the commencement of these regulations.

Additional provision, trustee schemes

4. After any trustee scheme has finally ceased to have effect, and after every liability incurred by the trustees of the scheme in connection with its

operation has been discharged, all property and rights vested in the said trustees for the purposes of that scheme shall be held by them in their capacity as trustees of the principal scheme.

General

5.—(1) In these regulations, the following expressions have the meanings hereby assigned to them respectively:—

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

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

" the Board " has the meaning assigned by regulation one;

" the Board's part " in relation to any superannuation scheme means the Board's part of that scheme within the meaning of paragraph (1) of regulation five of the Coal Industry Nationalisation (Superannuation) Regulations, 1950(**a**);

" the principal scheme " means the superannuation scheme established by the Board by resolution dated the eighteenth day of July, nineteen hundred and forty-seven, as amended from time to time, and references thereto shall be construed as including any scheme approved by the Minister and established by the Board in replacement of it.

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

6. These regulations shall come into operation on the thirtieth day of November, nineteen hundred and fifty-one, and may be cited as the Coal Industry (Superannuation Scheme) (Winding Up, No. 3) Regulations, 1951.

Dated this twenty-first day of November, nineteen hundred and fifty-one.

Geoffrey Lloyd,
Minister of Fuel and Power.

SCHEDULE **Regulation 1**

SCHEMES TO WHICH THE REGULATIONS APPLY

PART I

Trustee schemes

1. The Board's part of the pension plan of the Executive Board for the South Wales District (Coal Mines) Scheme, 1930.

2. The Board's part of the pension scheme of the Monmouthshire and South Wales Coal Owners' Association.

3. The Board's part of the staff pensions fund of the Monmouthshire and South Wales Coal Owners' Association.

4. The staff superannuation fund of Newdigate Colliery (1914) Ltd.

(a) S.I. 1950 (No. 376) I, p. 356. (b) 52 & 53 Vict. c. 63.

PART II

Other schemes

5. The pension and life assurance scheme of the Chislet Colliery Ltd.

6. The Board's part of the pension and life assurance scheme of Dorman, Long and Co. Ltd.

7. The pension and life assurance scheme of Northern Employers' Mutual Indemnity Co. Ltd.

8. The Board's part of the pension and life assurance scheme of Partridge, Jones and John Paton Ltd.

9. The pension and life assurance scheme of the Rotherham and District Collieries Association Ltd.

10. The Board's part of the pension and life assurance scheme of Sadler & Co. Ltd.

11. The Board's part of the pension and life assurance scheme of the Washington Coal Company Ltd.

EXPLANATORY NOTE

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

These regulations provide for the winding up of certain schemes or parts of schemes (listed in the schedule to the regulations) which were established before the vesting date under the Coal Industry Nationalisation Act, 1946, and provided superannuation benefits for employees of colliery concerns and other undertakings. The members whom they covered are identified in reg. 1, and are those referred to in sec. 4 (2) of the Coal Industry Act, 1949. Where such persons were the only persons covered by a particular scheme, the regulations apply to the whole scheme. Where a particular scheme covered other persons as well, that scheme was required to be split under the appropriate regulations made by the Minister of Fuel and Power under the Coal Industry Nationalisation Act, 1946; and only the part dealing with the persons described in reg. 1 is affected by these regulations.

All the schemes were maintained through group policies issued by an insurance company. For four of the schemes, there are trustees who conduct all dealings with the National Coal Board, the members and the persons drawing benefit, and who are themselves the holders of the policies. Under the others, the National Coal Board are the holders of the policies, and they pay any premiums due to the insurance company, while the insurance company pay benefits direct to the beneficiaries. All the members of the schemes who are still in active employment have, by agreement between the Board and the insurance company, transferred to the National Coal Board's principal superannuation scheme.

The regulations provide for all the schemes to be wound up, with a saving provision to keep alive so much of each of them as relates to existing pensioners and beneficiaries; in each of the trustee schemes, the trustees of the National Coal Board's principal scheme are to take the place of the existing trustees.