STATUTORY INSTRUMENTS

1963 No. 934

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment and Consolidation Order 1963

Laid before Parliament in draft

Made - - - - 14*th May* 1963

Coming into Operation 26*th May* 1963

Whereas the National Committee for the time being constituted in accordance with the Supplementary Scheme set forth in the Schedule of the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Order 1948(a), as subsequently varied and amended(b), is the body charged with the administration of that Scheme, and has requested the Minister of Pensions and National Insurance (hereinafter referred to as " the Minister ") to vary and amend the provisions of the said Supplementary Scheme in manner hereinafter appearing:

And whereas the Minister is of opinion that the provisions of the said Supplementary Scheme should be replaced with new provisions consolidating those provisions as they are to have effect with the amendments to be made by this order:

And whereas a draft of this order was laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, the Minister, in exercise of the powers conferred by section 83(8)(*a*) of the National Insurance (Industrial Injuries) Act 1946(c), as extended by section 10(6) of the Family Allowances and National Insurance Act 1961(d), and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation, commencement and interpretation

1.—(1) This order, which may be cited as the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment and Consolidation Order 1963, shall come into operation on 26th May 1963.

(2) In this Order " the Scheme " means the Supplementary Scheme set forth in the Schedule of the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Order 1948, as varied and amended.

(a) S.I. 1948/1794 (Rev. XVI, p. 466: 1948 I, p. 2954).

(b) S.I. 1950/1142, 1952/344, 1953/1138, 1955/494, 1162, 1958/1219, 1961/602 (1950 II, p. 35; 1952 II, p. 2225; 1953 I, p. 1431; 1955 I, pp. 1675, 1676; 1958 II, p. 1686; 1961 I, p. 1319).

(c) 9 & 10 Geo. 6. c. 62. (d) 10 & 11 Eliz. 2. c. 6.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a), shall apply in relation to this order and in relation to the revocations effected by it as if this order and the orders revoked by it were Acts of Parliament, and as if each revocation were a repeal.

Amendment of Article 1 of the Scheme

2. In Article 1(1), as amended(b), of the Scheme (definitions) there shall be made the following amendments :—

(*a*) after the definition of " workmen's inspector " there shall be inserted the following definition :—

" ' accident site observer ' means a person who is in the regular employment either of the Board or of a small mine owner or who is a checkweigher and who, being either nominated pursuant to section 116(1) of the Mines and Quarries Act 1954(c), or the nominee of a person so nominated, is attending at any place at which an accident or dangerous occurrence has happened or performing any other duty pursuant to any consent given by an Inspector for the purposes of section 120 of that Act." ;

(*b*) after sub-paragraph (*b*) in the definition of " colliery worker " there shall be inserted the following sub-paragraph :—

" (*bb*) is employed as an accident site observer ; or ".

Amendment of Articles 4, 5 and 6A of the Scheme

3.—(1) As from 27th May 1963, in Article 4(2) of the Scheme (colliery workers' contributions) for the amount " 1s. 1d." there shall be substituted the amount " 2s. 2d.".

(2) As from 26th May 1963, in Article 5, as amended(d), of the Scheme for the amount " 5·25d." there shall be substituted the amount " 5½d.".

(3) As from 27th May 1963, in Article 6A(1), as amended(e), for the sum of " 2s." there shall be substituted the sum of " 2s. 1d.".

Amendment of Article 13 of the Scheme

4. As from 27th May 1963, in Article 13 of the Scheme (payment of supplementary benefits by the Minister) there shall be made the following amendments :—

(*a*) in paragraph (1)(*d*), as amended(f) (supplementary widow's pension) there shall be substituted for the words " ten shillings and sixpence " the words " twelve shillings and three pence " and for the words " thirty-five shillings " the words " forty-one shillings " ;

(*b*) in paragraph (1)(*e*), as amended(f) (supplementary allowance for a woman having the care of a child or children of a deceased colliery worker) there shall be substituted for the words " thirty-five shillings " the words " forty-one shillings ".

(a) 52 & 53 Vict. c. 63.
(b) The relevant amending instruments are S.I. 1952/344, 1953/1138, 1958/1219, 1961/602 (1952 II, p. 2225; 1953 I, p. 1431; 1958 II, p. 1686; 1961 I, p. 1319).
(c) 2 & 3 Eliz. 2. c. 70.
(d) S.I. 1958/1219, 1961/602 (1958 II, p. 1686; 1961 I, p. 1319).
(e) Inserted by S.I. 1952/344 and amended by S.I. 1961/602 (1952 II, p. 2225; 1961 I, p. 1319).
(f) As last amended by S.I. 1961/602 (1961 I, p. 1319).

Amendment of Article 49 of the Scheme

5. In Article 49, as amended(a), of the Scheme (authorised securities) there shall be made the following amendments: —

(*a*) in Article 49(1)(ix)—

(i) in sub-paragraph (*a*) the word "either" shall be omitted;

(ii) sub-paragraph (*b*) shall be omitted;

(iii) for the words "sub-paragraphs (*b*) and (*c*) respectively" there shall be substituted the words "sub-paragraph (*c*)";

(*b*) for Article 49(5)(*a*) there shall be substituted:—

"(*a*) any territory specified for the time being in section 1(3) of the British Nationality Act 1948(b);".

Amendment of Articles 55, 56 and 57 of the Scheme

6.—(1) For Article 55 of the Scheme (actuarial reviews) there shall be substituted: —

"55.—(1) The Actuary shall review the operation of the Scheme from time to time and on such review shall make a report to the Minister on the financial condition of the Fund and the adequacy or otherwise of the supplementary contributions to support the supplementary benefits. The period to be covered by any such review and report shall commence immediately after the end of the period covered by the preceding review and report and shall be 5 years or such shorter period as the Minister or the National Committee may direct.

(2) A copy of every review and report so made shall be delivered to the National Committee and to each of the bodies having the right hereunder to make appointments to the National Committee."

(2) In Article 56 of the Scheme there shall be substituted for the words "the first or any quinquennial or interim" the word "any".

(3) In Article 57 of the Scheme there shall be substituted for the words "the first or any quinquennial or interim" the word "any".

Consolidation, revocation and transitional provisions

7.—(1) As from 27th May 1963, the provisions of the Scheme (hereinafter referred to as "the old provisions") shall be replaced by the provisions (hereinafter referred to as "the new provisions") set out in Schedule 1 hereof being provisions consolidating the old provisions as they are to have effect with the amendments made by this order.

(2) As from 27th May 1963, the orders specified in Schedule 2 hereof are hereby revoked:

Provided that anything done under the old provisions and of effect immediately before the coming into operation of the new provisions shall, in so far as is necessary for securing the continuity of the new provisions with the old provisions, continue to have effect as if done under the new provisions.

Niall Macpherson,
Minister of Pensions and
National Insurance.

14th May 1963.

(a) The relevant amending instruments are S.I. 1950/1142, 1953/1138, 1958/1219, 1961/602 (1950 II, p. 35; 1953 I, p. 1431; 1958 II, p. 1686; 1961 I, p. 1319).
(b) 11 & 12 Geo. 6. c. 56.

Article 7

SCHEDULE 1

THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) COLLIERY WORKERS SUPPLEMENTARY SCHEME

Definitions

1.—(1) In this Scheme the expressions following shall have the following meanings where the context so admits:—

"The Act" means the National Insurance (Industrial Injuries) Act 1946.

"The Minister" means the Minister of Pensions and National Insurance.

"The Board" means the National Coal Board.

"small mine owner" 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 (other than opencast working) by virtue of a licence granted by the Board under section 36(2)(*a*) of the Coal Industry Nationalisation Act 1946(a).

"Division" means that territory which is administered by one of the Divisional Headquarters established by the Board.

"The Scheme" means this Scheme as originally made or as from time to time varied, amended or modified.

"The National Committee" and "The Local Committees" mean respectively the National Committee and the Local Committees for the time being constituted in accordance with the Scheme, and "the appropriate Local Committee" means, in relation to any colliery worker, the Local Committee for the Division in which he is employed or (where there is a separate Local Committee for a part of a Division) the Local Committee for the part of a Division in which he is employed.

"The Fund" means the Fund established by the Scheme and the cash and investments for the time being representing the same.

"supplementary contributions" means the contributions to be paid by the employers and colliery workers respectively under the Scheme.

"supplementary benefits" means the benefits provided under the Scheme.

"accounting period" means any such period as shall be determined by the Board in accordance with the following provisions, that is to say—

(i) the interval between midnight of the Saturday falling on or nearest to 31st December of one calendar year and midnight of the Saturday falling on or nearest to 31st December of the next following calendar year shall consist of 12 periods;

(ii) every such period shall consist of 4, 5 or 6 weeks.

"The Auditors" means such persons as the National Committee with the approval of the Minister shall from time to time appoint to act as Auditors to the Scheme.

"The Actuary" means such person as the National Committee with the approval of the Minister shall from time to time appoint to act as Actuary to the Scheme.

"certified employment" means an insurable employment which is for the time being certified for the purposes of the Scheme by the Board and the National Union of Mineworkers to be within the coal mining industry or, if the Board and the National Union of Mineworkers cannot agree, is so determined in accordance with Article 33 of the Scheme.

(a) 9 & 10 Geo. 6. c. 59.

"checkweigher" means a checkweigher appointed for the purposes of the Coal Mines Regulation Act 1887(a), by the persons employed at a mine.

"pick-sharpener" means a pick-sharpener or tool sharpener.

"workmen's inspector" means a person who is a member of a panel appointed under section 123(1) of the Mines and Quarries Act 1954(b), and who is in the regular employment either of the Board or of a small mine owner or who is a checkweigher.

"accident site observer" means a person who is in the regular employment either of the Board or of a small mine owner or who is a checkweigher and who, being either nominated pursuant to section 116(1) of the Mines and Quarries Act 1954, or the nominee of a person so nominated, is attending at any place at which an accident or dangerous occurrence has happened or performing any other duty pursuant to any consent given by an Inspector for the purposes of section 120 of that Act.

"employer" in relation to a colliery worker means the person or body from whom the pecuniary remuneration in respect of his employment is received, and "the employers" means all such employers.

"colliery worker" means any person employed on or after 5th July 1948, in a certified employment, otherwise than as a clerical worker, in or about a colliery (other than an opencast working) or at a workshop (whether in or about a colliery or not) at which work is done wholly or mainly for one or more collieries, who is below the rank of under-manager or any similar grade and who—

(*a*) is employed by the Board or a small mine owner; or

(*b*) is employed as a workmen's inspector; or

(*c*) is employed as an accident site observer; or

(*d*) having previously been employed by the Board, or in transferred employment as defined in the Coal Industry Nationalisation (Superannuation) Regulations 1950(c), is employed as a checkweigher or pick-sharpener or in other employment of a similar nature and is remunerated wholly out of moneys provided by deductions from the wages of, or by contributions by, other persons.

"determining authority" means, in relation to any claim or question arising under the Act, the authority by whom that claim or question is to be determined under the Act.

"colliery accident" means any accident happening to a colliery worker on or after 5th July 1948, and arising out of and in the course of his employment as a colliery worker, which is found by the determining authority to be an industrial accident as defined in section 49(5) of the Act.

"colliery disease" means, in relation to any colliery worker, any disease or personal injury prescribed under section 55 of the Act in relation to the employment of that colliery worker, which is determined as hereinafter provided to be due to the nature of his employment as a colliery worker and to have developed on or after 5th July 1948.

"The Workmen's Compensation Scheme" means 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(d), as the Scheme so established has been or may from time to time be amended or extended to other classes of persons.

"The Unions" means the National Union of Mineworkers, the National Association of Colliery Overmen, Deputies and Shotfirers and the British Association of Colliery Management.

(a) 50 & 51 Vict. c. 58. (b) 2 & 3 Eliz. 2. c. 70. (c) S.I. 1950/376 (1950 I, p. 356).
(d) S.R. & O. 1943/886 (Rev. XXIV, p. 597: 1943 I, p. 1016).

"The Mineworkers' Pension Scheme" means the pension scheme established by the Board, under powers conferred by the Coal Industry Nationalisation (Superannuation) Regulations 1950(a), and approved by the Minister of Power on 13th October 1951, as subsequently amended.

Subject as aforesaid, words and expressions used in the Act shall bear the same meanings in the Scheme where the context so admits and references to any enactment or to any regulation shall be construed as references to the same as amended by any subsequent enactment or regulation.

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

Scheme to be contributory

2. The Scheme shall be a contributory Scheme for supplementing the rights conferred by the Act on colliery workers by providing additional payments in cases in which injury benefit or disablement benefit or a death benefit to a widow or to a woman having care of a deceased colliery worker's child or children becomes payable under the Act in respect of a colliery accident or colliery disease.

Colliery workers' contributions

3.—(1) Every colliery worker shall, for each contribution week for which a contribution under the Act is payable in respect of his employment as a colliery worker, be liable to pay a weekly supplementary contribution at the rate following, namely:—

(*a*) If a man over the age of 18	5d.
(*b*) If a woman over the age of 18	4d.
(*c*) If a boy under the age of 18	3d.
(*d*) If a girl under the age of 18	2½d.

(2) Every male colliery worker shall, for the contribution week which includes 1st December in each year, being a week for which a contribution under the Act is payable in respect of his employment as a colliery worker, be liable to pay a further supplementary contribution of 2s. 2d.

Board's contributions

4. The Board shall be liable to pay by way of supplementary contribution under the Scheme in respect of each accounting period an aggregate sum equal to 5½d. for each ton of the saleable output of deep-mined coal in Great Britain in that accounting period less one twelfth of such amount as shall from time to time be certified by an actuary appointed for the purpose by the Minister as required in the year in which that accounting period falls for securing the benefits to be provided under the Workmen's Compensation Scheme.

Ascertainment of Board's contributions

5. For the purpose of ascertaining the contributions payable by the Board the saleable output of deep-mined coal in Great Britain in any accounting period shall be such amount as is certified by the Secretary of the Board as the saleable output for that period.

Employers' contributions

6.—(1) Subject to the provisions of paragraph (2) of this Article, every employer of a colliery worker who is a checkweigher, pick-sharpener or other person remunerated wholly out of moneys provided by deductions from the wages of, or by contributions by, other persons shall be liable to pay by way of supplementary contributions under the Scheme the sum of 2s. 1d. in respect of each supplementary contribution paid by such colliery worker under the Scheme.

(a) S.I. 1950/376 (1950 I, p. 356). (b) 52 & 53 Vict. c. 63.

(2) Where a colliery worker is employed in any contribution week both by the Board or a small mine owner and by another employer, no supplementary contribution shall be payable by that other employer in respect of the supplementary contribution payable by that colliery worker for that contribution week.

Payment of contributions

7. The employer shall in the first instance be liable to pay both the supplementary contribution payable by himself (if any) and also on behalf of and to the exclusion of the colliery worker the supplementary contribution payable by the colliery worker and for the purposes of the Scheme supplementary contributions paid by an employer on behalf of a colliery worker shall be deemed to be supplementary contributions by the colliery worker.

Recovery of contributions

8. The provisions of sections 4 and 5 of the Act (recovery of contributions) shall be applicable for the purposes of the Scheme as if references in those sections to contributions included supplementary contributions.

Payment of contributions by employers to Board

9. On the last day of every accounting period every employer other than the Board shall pay to the Board the amount of the supplementary contributions payable during such accounting period by such employer's colliery workers and the amount of the supplementary contributions (if any) payable during such accounting period by such employer, and such amount shall be a debt recoverable by the Board from such employer. Every such payment shall be accompanied by a statement showing how the amount paid is made up and if it shall be subsequently discovered that the amount so shown and paid was greater or less than the true amount payable the overpayment or underpayment shall be adjusted by a deduction from or addition to the next succeeding payments required to be made in so far as they are sufficient for the purpose and if they are not so sufficient the excess or deficiency shall be payable in cash on demand by the Board or the employer, as the case may be.

Payment of contributions by Board to Fund

10. Within 7 days after the last day of every accounting period the Board shall pay to the National Committee—

(*a*) all sums received by them from employers other than the Board in respect of their supplementary contributions and their colliery workers' supplementary contributions for such accounting period, and

(*b*) the amount of the supplementary contributions for such accounting period payable by the Board and the Board's colliery workers, provided that the Board may at any time at the request of the National Committee make such advances on account of their own contributions as may, in the opinion of the Board, be necessary for the purposes of the Scheme: on every payment (other than an advance) to be made by the Board pursuant to this Article the Board shall be entitled to take credit for such portion (not exceeding the aggregate amount of their own supplementary contribution for the relevant accounting period) of such advances as they shall think fit and pay the amount for which they are liable under this Article after deduction therefrom of the amount for which credit is so taken.

Every such payment shall be accompanied by a statement showing how the amount paid is made up and if it shall be subsequently discovered that the amount so shown and paid was greater or less than the true amount payable the overpayment or underpayment shall be adjusted by a deduction from or addition to the next succeeding payments required to be made.

Constitution of Fund

11. The moneys received by the National Committee under the preceding provisions and the investments for the time being representing the same shall constitute the Fund.

Benefits to be paid by Minister

12.—(1) Subject as hereinafter provided, the following supplementary benefits shall be paid by the Minister out of moneys to be provided from the Fund:—

(*a*) to any person who has become entitled under the Act to injury benefit in respect of a colliery accident or colliery disease, a supplementary injury benefit payable for each day in respect of which he receives such injury benefit under the Act at a weekly rate arrived at by adding 2s. 6d. to one third of the rate of the injury benefit to which he is for the time being entitled under the Act (excluding any increase of injury benefit under sections 17 and 18 of the Act):

Provided that, for any period during which the beneficiary is under the age of 18 and not for the time being entitled under the Act to an increase of benefit in respect of a child or adult dependant, there shall be substituted, for the reference to 2s. 6d., a reference—

(i) for a period during which he is between the ages of 17 and 18, to 1s. 10d.; and

(ii) for a period during which he is under the age of 17, to 1s. 3d.;

(*b*) to any person who has become entitled under the Act to a disablement pension in respect of a colliery accident or colliery disease, for any period for which he is in receipt of the pension, a supplementary disablement pension of one third of the amount of any sums paid to him by way of such disablement pension, which supplementary pension shall be increased for any period for which he is in receipt of such disablement pension in respect of an assessment of 100 per cent. by an amount calculated at the weekly rate of 2s. 6d.:

Provided that—

(i) a person shall be treated for the purposes of this sub-paragraph as if he were in receipt of such disablement pension in respect of an assessment of 100 per cent. for any period—

(*a*) for which he is in receipt of such disablement pension in respect of an assessment which is treated under section 16 of the Act as an assessment of 100 per cent.;

(*b*) for which he is in receipt of 2 or more such disablement pensions, if the sum total of the several assessments relating to those pensions amounts to not less than 100 per cent.;

(ii) the proviso to sub-paragraph (*a*) of this paragraph shall apply to a supplementary disablement pension so as to reduce the said weekly rate of 2s. 6d. to 1s. 10d. or 1s. 3d., as the case may be, in the circumstances and for the period specified in that proviso;

(*c*) to any person who is awarded a disablement gratuity in respect of a colliery accident or colliery disease, a supplementary gratuity of one third of the amount of any sums paid to him by way of such disablement gratuity;

(*d*) to the widow of a colliery worker who has become entitled under the Act to death benefit in respect of the death of that colliery worker as the result of a colliery accident or colliery disease, a supplementary widow's pension payable so long as she continues to receive a pension under section 19 of the Act at the following rates:—

(i) for any period during which the widow has not attained the age of 40 years and does not satisfy the conditions of either section 19(3)(*a*) or section 19(3)(*c*) of the Act, at the weekly rate of 12s. 3d.;

(ii) for any period after she has attained the age of 40 years or during which she satisfies either of the aforesaid conditions, at the weekly rate of 41s.:

Provided that where the widow was not residing with the deceased at his death the supplementary widow's pension shall be payable only if the aggregate weekly rate of the payments referred to in section 19(1) of the

Act exceeds the weekly rate of the pension payable to her under section 19(2)(*a*) of the Act, in which event the weekly rate of the supplementary widow's pension shall be the amount of such excess or the rate payable under the foregoing provisions of this Article whichever is the less;

(*e*) to a widow entitled under the provisions of sub-paragraph (*d*) of this paragraph to a supplementary widow's pension, if she remarries and becomes entitled under section 19(2)(*b*) of the Act to a gratuity payable on the termination of her pension in consequence of her remarriage, a supplementary gratuity of one third of the amount of any sums paid to her by way of such gratuity;

(*f*) to a woman having the care of the child or children of a colliery worker who has become entitled under section 24 of the Act to death benefit in respect of the death of that colliery worker as the result of a colliery accident or colliery disease, a supplementary allowance at the weekly rate of 41s. payable so long as she continues to receive an allowance under section 24 of the Act.

(2)—(*a*) When under the provisions of sections 29 or 30 of the Act any injury benefit or disablement pension to which a person is or would but for those provisions be entitled in respect of a colliery accident or colliery disease is extinguished or the rate thereof is reduced by reference to any other benefit payable to such person, he shall, subject as next hereinafter provided, be treated for the purposes of this Article as if he were in fact receiving such injury benefit or disablement pension at the rate at which it would be payable but for such extinguishment or reduction, and any supplementary benefit payable in respect thereof shall be calculated accordingly.

(*b*) Where a person suffers 2 or more colliery accidents and/or colliery diseases he shall not for the same period be entitled to receive supplementary benefit at an aggregate weekly rate exceeding—

(i) if he is for the same period entitled to supplementary injury benefit and to one or more supplementary disablement pensions, the weekly rate of supplementary injury benefit appropriate in his case, or

(ii) in any other case the weekly rate of the supplementary disablement pension appropriate in his case to an assessment of disablement of 100 per cent.

(*c*) For the purpose of calculating the rate of supplementary disablement pension the expression "disablement pension" does not include any increase of disablement pension under sections 13, 14, 15, 17 and 18 of the Act, but includes any pension awarded in lieu of a disablement gratuity.

Benefits to be paid by the Board

13. If any person who is entitled to a supplementary disablement pension is at any time employed in insurable employment, then for so long as he continues to be so employed and for 4 weeks after he ceases to be so employed, any supplementary benefit to which that person is entitled shall, subject as hereinafter provided, be payable not by the Minister but by the Board at a rate calculated in accordance with Article 12 hereof.

Payment by one authority of benefits to be paid by the other

14. Any supplementary benefit payable by the Minister under Article 12 hereof may be paid by the Board and any supplementary benefit payable by the Board under Article 13 hereof may be paid by the Minister; any supplementary benefit so paid shall except for the purposes of Articles 26 and 27 be deemed to have been paid by the Minister or by the Board respectively.

Limitation of supplementary benefit

15.—(1) The rate of any supplementary injury benefit or supplementary disablement pension payable to a person under Article 12 or Article 13 hereof shall not, for any period other than the first 3 weeks in respect of which that person is in receipt of such benefit or such pension, exceed a rate equal to the amount

by which that person's pre-accident earnings exceed the sum of his post-accident earnings, if any, and any of the following benefits to which he may be entitled, that is to say—

(*a*) workmen's compensation;

(*b*) any benefit, other than death benefit, under the Act;

(*c*) any unemployment benefit, sickness benefit or retirement pension (other than a contributory old age pension) under the National Insurance Act 1946(a);

(*d*) any benefit paid out of funds provided wholly or partly by the Board under the Workmen's Compensation Scheme or any other non-statutory scheme for the provision of benefits in respect of sickness or accident:

Provided that the provisions of this Article shall not apply in relation to any benefit of which he is not entitled to receive payment at a weekly rate, or in relation to any supplementary benefit payable to any person for any period during which he is in receipt of an increase of benefit in respect of constant attendance under section 15 of the Act or would, but for the proviso to subsection (3) of that section, be in receipt thereof, or, in the case of any person whom the Board have certified or certify to have been, on 5th November 1958, and throughout the preceding 13 weeks, incapable of work, until such time as he returns to insurable employment.

(2) For the purposes of this Article—

(*a*) "Workmen's Compensation" means compensation under the Workmen's Compensation Acts 1925 to 1945, or under any Act repealed by the Workmen's Compensation Act 1925(b), or by the Workmen's Compensation Act 1906(c), or by virtue of any scheme made or certified under any of those Acts or payments made under or by virtue of the Workmen's Compensation (War Addition) Acts 1917 and 1919;

(*b*) a payment made under or by virtue of the Workmen's Compensation (Supplementation) Act 1951(d), the Industrial Diseases (Benefit) Acts 1951 and 1954 or under the Workmen's Compensation and Benefit (Supplementation) Act 1956(e), shall be treated as a payment by way of workmen's compensation.

Adjustment of supplementary benefit in certain cases where a colliery worker is in receipt of an incapacity retirement pension under the Mineworkers' Pension Scheme

16. Where for any period commencing on or after 3rd April 1961, a colliery worker—

(*a*) is not treated as having, and is not deemed to have, retired from regular employment for the purposes of the National Insurance Act 1946; and

(*b*) is entitled to receive supplementary injury benefit or supplementary disablement pension under the Scheme; and

(*c*) is in receipt of an incapacity retirement pension under Rule 14(2)(*a*) or Rule 14(8) of the Mineworkers' Pension Scheme payable as the result of the colliery accident or colliery disease in respect of which he is entitled to receive the said supplementary injury benefit or the said supplementary disablement pension,

the weekly rate of such supplementary injury benefit or such supplementary disablement pension payable in accordance with Articles 12, 13 and 15, shall be reduced or extinguished by deducting therefrom an amount equal to the weekly rate of the said incapacity retirement pension.

(a) 9 & 10 Geo. 6. c. 67. (b) 15 & 16 Geo. 5. c. 84. (c) 6 Edw. 7. c. 58.
(d) 14 & 15 Geo. 6. c. 22. (e) 4 & 5 Eliz. 2. c. 51.

Pre-accident and post-accident earnings

17.—(1) Pre-accident earnings and post-accident earnings shall be ascertained as follows:—

(*a*) "pre-accident earnings" means in relation to any person either (i) that person's average weekly earnings as a colliery worker during the 12 months next preceding the accident or the development of the disease if he has been so long employed in the same grade by the same employer, but if he has not been so long employed then for any less period during which he has been in the employment of the same employer in the same grade, or (ii) if greater, the appropriate wage rate payable to an underground worker if that person was when so employed an underground worker, or the appropriate wage rate payable to a surface worker of that person's sex if that person was when so employed a surface worker;

(*b*) "average weekly earnings" shall be assessed in accordance with the rules for determining average weekly earnings contained in section 10 of the Workmen's Compensation Act 1925, and may be reviewed from time to time in accordance with the rules of calculation contained in section 11 of the said Act and in section 6 of the Workmen's Compensation Act 1943(a):

Provided that no account is to be taken of—

(i) any period falling within the period of 12 months or less over which the assessment is made during which the person was in receipt of injury benefit, unemployability supplement, sickness benefit or unemployment benefit; or

(ii) any period falling within the said period of 12 months or less, being a period not exceeding 4 months in duration, in respect of which the Board decide, on a claim made to that effect by the person or on his behalf, that the occupation in which he was employed during such period was not, and had not become, his normal occupation; or

(iii) any earnings during any period of which by virtue of the foregoing provisions of this proviso no account is to be taken;

(*c*) "post-accident earnings" of any person shall be deemed to be, during any period of 3 months of insurable employment in respect of which that person is entitled to supplementary benefit, the average weekly remuneration received by such person during the preceding 3 months or, in the case of the first 3 months of such employment, during those 3 months, as certified by his employer or, in default of such certificate or if such certificate be not accepted by such person or by the Board, as may be determined by the appropriate Local Committee.

(2) For the purpose of paragraph (1)(*a*) of this Article "the appropriate wage rate" means a rate equal to 6 times the lowest standard grade rate or, in the case of a person who at the date of the accident or of the development of the disease, as the case may be, was aged less than 18 years, a rate equal to 6 times the national standard rate for age for a juvenile worker of the same age as the age of that person at that date, being in any case a rate for the time being determined by the National Conciliation Board in accordance with the provisions of the Coalmining Industry of Great Britain Conciliation Scheme of 5th December 1946.

(3) Where in accordance with the provisions of the succeeding paragraph of this Article a person is treated as having abandoned any occupation as the result of a colliery disease, in respect of which supplementary disablement pension is payable, before the date of the development thereof, the date of development shall be deemed for the purposes of this Article to be the date of such abandonment.

(4) For the purposes of the last preceding paragraph of this Article a person shall be treated as having abandoned an occupation as the result of a colliery

(a) 6 & 7 Geo. 6. c. 6.

disease only if he has established that he has abandoned that occupation as a result of that disease for the purposes of regulation 19 of the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations 1959(a).

Adjustment of weekly rates of supplementary injury or disablement benefit

18. Where the weekly rate of supplementary injury benefit or of supplementary disablement benefit payable in accordance with the provisions of Article 12 or Article 13, and of Article 15 and of Article 16, if applicable, would, but for this provision, include a fraction of 6d., that fraction shall be disregarded if it is less than 3d. and shall be treated as 6d. if it is 3d. or more.

Interim benefits

19. Where any person is in receipt of benefit under the Act during a period intervening between an application for the determination of his claim to benefit under the Act or any question arising in connection with such claim or with an award and the final determination of the claim or question, then the supplementary benefits (if any) to which such person would be entitled on the basis of his being found entitled under the Act to the benefit of which he is so in receipt shall be payable to such person.

Repayment of benefits

20. Where pursuant to section 52 of the Act or any regulations made thereunder any person is required to repay the whole or any proportion of the benefit which he has received under the Act, then he shall also repay to the Trustees of the Fund the whole or a like proportion of the corresponding supplementary benefits received by him by reference thereto and any supplementary benefit so required to be repaid may if not so repaid be deducted from any supplementary benefit then or thereafter payable to that person.

Claims for damages

21.—(1) If any person in receipt of or entitled to supplementary benefits shall make against the Board or against the employer in whose service the relevant accident or disease occurred or was contracted any claim either at common law or under the provisions of any statute for damages or compensation for the injuries or death caused by the relevant accident or disease and such person shall receive from the Board or from such employer any moneys either under a judgment or in respect of or by way of compromise of such claim the Board or such employer, as the case may be, shall forthwith notify the National Committee, the Minister and the Board of the circumstances and of the amount of the moneys so received.

(2) If any person shall receive from the Board or the employer any moneys in the circumstances referred to in the preceding paragraph hereof, then—

(*a*) he shall pay to the Trustees of the Fund either—

(i) the amount of the supplementary benefits paid to him in respect of the relevant accident or disease during the period between the date of the accident or the development of the disease and the date of the receipt of such moneys or, if shorter, the period of 4 years immediately following the first of those dates ; or

(ii) one half of the amount of the moneys received as aforesaid ;

whichever is the less ;

(*b*) if one half of the amount of the moneys received as aforesaid exceeds the supplementary benefits paid during the period between the date of the accident or the development of the disease and the date of the receipt of such moneys, no supplementary benefits shall be payable after the date of the receipt of such moneys until the supplementary benefits withheld pursuant to this sub-paragraph together with the amount repayable under sub-paragraph (*a*) of this paragraph equal one half of the amount of the moneys so received or until the expiration of 4 years from the date of the

(a) S.I. 1959/467 (1959 II, p. 1943).

accident or disease whichever first occurs; and after the expiration of such period of 4 years any supplementary benefits shall be payable in full except as may be required to effect any right of recovery under the next succeeding paragraph of this Article.

(3) Without prejudice to any other method of recovery, if any amount payable under paragraph (2)(*a*) of this Article is not paid within 2 months of written notice demanding payment, such amount may be recovered by deduction from or the withholding of any supplementary benefits then or thereafter payable to any person in respect of that accident or disease.

(4) For the purposes of Article 12(2)(*b*) hereof, supplementary benefits payable to any person from which deductions are made, or which are withheld, in pursuance of the last two preceding paragraphs shall be deemed to be received by him in full.

(5) The National Committee shall from time to time give to the Board and the Minister such information and instructions as may be necessary for giving effect to the preceding provisions of this Article, and the Board and the Minister shall make or withhold payments of supplementary benefits in accordance with such instructions.

(6) For the purposes of this Article moneys paid to the solicitor of an assisted person pursuant to regulations made under the Legal Aid and Advice Act 1949(a), shall be deemed to have been received by that person.

(7) In the application of paragraph (2) of this Article to a supplementary disablement gratuity, the gratuity shall be treated as if it were a supplementary disablement pension payable, during the period taken into account by the assessment on which the gratuity was based, at one third of the appropriate weekly rate set out in column 2 of the table contained in Schedule 3 of the National Insurance (Industrial Injuries) (Benefit) Regulations 1948(b), and the amount of such pension attributable to that part of the period so taken into account which falls within the period of 4 years from the date of the accident or disease—

(i) if the gratuity had been paid before the receipt of the moneys referred to in the said paragraph (2), shall be repayable under and subject to the conditions of sub-paragraph (*a*) of the said paragraph (2);

(ii) if the gratuity had not been so paid, shall be withheld under and subject to the conditions of sub-paragraph (*b*) of that paragraph:

Provided that the amount to be repaid or withheld by virtue of this paragraph in respect of any gratuity shall not exceed the amount of the gratuity.

Disqualifications, forfeitures and suspensions

22. The provisions of sections 32 and 33 of the Act relating to disqualifications, forfeitures and suspensions and of any regulations made thereunder shall be applicable with the necessary modifications to supplementary benefits as the same apply to benefits under the Act but so that the supplementary benefit payable to any person to whom any benefit is payable by virtue of regulation 24(2) of the National Insurance (Industrial Injuries) (Benefit) Regulations 1948, shall not exceed one third of the benefit so payable by reference to which the supplementary benefit is payable.

Benefits inalienable

23. Subject to the provisions of the Scheme the provisions of section 28 of the Act (inalienability of benefits) shall be applicable with the necessary modifications to supplementary benefits as the same apply to benefits under the Act.

Time and manner of payment of benefits by Minister

24. The provisions of section 27 of the Act and of any regulations made thereunder relating to time and manner of payment of benefits shall be applicable with the necessary modifications to payment by the Minister of supplementary benefits as the same apply to benefits under the Act.

(a) 12, 13 & 14 Geo. 6. c. 51.
(b) S.I. 1948/1372 as last amended by S.I. 1963/395 (Rev. XVI, p. 441: 1948 I, p. 2918; 1963 I, p. 448).

Rules for payment of benefits by Board

25. The Board shall with the approval of the National Committee make and publish rules as to the time and manner of payment of supplementary benefits payable under the Scheme by the Board and may from time to time with the like approval revoke, amend or vary such rules, and the time and manner of payment of supplementary benefits payable by the Board shall be regulated by the rules made under this Article and for the time being in force.

Payment to Minister

26. The National Committee shall at such times and in such manner as the Minister shall from time to time direct pay to the Minister out of the Fund such amounts as the Minister shall certify as being required to provide the moneys for payment of the supplementary benefits payable by the Minister, including any benefits paid or to be paid by the Minister under Article 14, and also such amounts as the Minister with the concurrence of the Treasury shall from time to time certify to be required to meet the costs of the Minister's participation in the administration of the Scheme.

Reimbursement of Board

27. The National Committee shall at the end of each accounting period pay to the Board out of the Fund a sum equal to the amount which shall be certified by a duly authorised officer of the Board to have been expended by the Board during such period in the payment of supplementary benefits payable by the Board, including any benefits paid by the Board under Article 14, and the National Committee shall on 30th June and 31st December in each year pay to the Board out of the Fund such amount as shall be certified by a duly authorised officer of the Board to be required to meet the costs of the Board's participation in the administration of the Scheme during the preceding half-year on such basis as shall be agreed between the Board and the National Committee as fair and reasonable, or in default of agreement as may be determined by an accountant to be nominated by the President for the time being of the Institute of Chartered Accountants.

Exchange of information

28. The National Committee, the Board and the Minister shall each supply to the other or others from time to time such information, accounts and documents as may be reasonably required for the purposes of or in connection with the Scheme. The National Committee and the Board shall supply to the Minister from time to time such information, accounts and documents as he may reasonably require for the purposes of section 83 of the Act.

Admission and rejection of claims under Act

29. A claim for benefit under the Act by or in respect of a colliery worker shall constitute a claim for the corresponding supplementary benefit, if any, and the admission, rejection or review of such claim under the Act shall constitute the admission, rejection or review of the claim for such corresponding supplementary benefit, provided that if any question arises as to whether an accident or disease in respect of which such supplementary benefit is claimed constitutes a colliery accident or colliery disease, as the case may be, that question shall be decided as hereinafter provided.

Determination of questions under Act

30. The determination under the provisions of the Act of any question or dispute which may arise in connection with any claim to benefit under the Act and in particular, but without prejudice to the foregoing, of any question whether an accident is an industrial accident or whether a disease is prescribed in relation to any person and if so whether it is due to the nature of insurable employment, shall be conclusive for the purposes of the Scheme to the same extent as it is conclusive for the purposes of the Act.

Determination of questions under Scheme

31.—(1) Subject to the provisions of Articles 29 and 30 hereof, every question or dispute which may arise in connection with any claim to supplementary benefit

whether as regards the administration of the Scheme or the interpretation or construction of any provision thereof (other than a question relating to the administration by the Minister of the Scheme or the payment by him of supplementary benefits) shall be referred to and determined in the first instance by the appropriate Local Committee of the colliery worker by or in respect of whom the claim was made, so however that if his appropriate Local Committee at the date when the question or dispute arises is not the Local Committee which was his appropriate Local Committee at the date of the relevant accident or disease then the reference and determination shall be to and by the Local Committee which was the appropriate Local Committee at the date of the relevant accident or disease unless the Board shall determine otherwise.

(2) Subject as aforesaid and without prejudice to the generality of paragraph (1) of this Article, every question whether the employment out of and in the course of which an accident arose or to the nature of which a disease was due was employment as a colliery worker shall be determined in accordance with the provisions of paragraph (1) of this Article.

Appeals to National Committee

32. Every decision made by a Local Committee on a reference to it under the last preceding Article shall be subject to appeal to the National Committee whose decision shall be final.

References by employers and Unions

33. Subject to the provisions of Articles 29 and 30 hereof, the employers or the Unions or any of them may at any time (whether or not in connection with any claim to supplementary benefits made or contemplated) refer any question or dispute as regards the administration of the Scheme or the interpretation or construction of any provision thereof (other than a question relating to the administration by the Minister of the Scheme or the payment by him of supplementary benefits) to any Local Committee or to the National Committee and any Local Committee to which any such reference is made shall determine the same subject to appeal to the National Committee and the National Committee shall determine any question or dispute referred to it direct hereunder or by way of appeal from a Local Committee and its decision shall be final.

Right of audience of employers and Unions

34. The Board, the Federation of Small Mines of Great Britain and the Unions shall be given notice of and shall be entitled to be heard on every reference to a Local Committee or to the National Committee and the decision on the reference shall be published and (subject to an appeal from the Local Committee to the National Committee) shall be binding on them and on all other parties (if any) to the question in dispute.

Rules of procedure

35. The National Committee may, subject to the approval of the Minister, make and from time to time revoke or vary rules governing the procedure of the Local Committees and the National Committee in the conduct of references to them respectively and of appeals from the Local Committees to the National Committee under the foregoing provisions in that behalf and as to the evidence upon which they may act in determining questions and disputes submitted to them. Whenever for the due determination of any such question or dispute any document or information shall be required which it is within the power of any employer or other person party to the reference or claiming under or bound by the Scheme to produce or furnish, then such employer or other person shall be bound to produce or furnish the same to the Local Committee or as the case may be the National Committee upon being called upon by it so to do. The provisions of section 67(1)(*c*) of the Act as to offences and penalties shall be applicable as if references therein to benefit or other payment under the Act were references to supplementary benefit or other payment under the Scheme and the reference to any purpose connected with the Act were a reference to any purpose connected with the Scheme and any offence committed under the said paragraph as made applicable by this Article shall be deemed to be an offence

under the Act, so however that where anything is done for the purposes of the Act it shall not be deemed also to have been done for the purposes of the Scheme by reason only of the fact that if a claim were established to benefit under the Act any person would also be entitled to supplementary benefit under the Scheme.

Rules for administration

36. The National Committee may, subject to the approval of the Minister, make, and from time to time revoke or vary, rules for the general administration of the Scheme by the National Committee not being inconsistent with the provisions of the Scheme.

Rules for local administration

37. Each Local Committee shall have power, subject to the approval of the National Committee, to make, and from time to time revoke or vary, rules for the local administration of the Scheme not being inconsistent with the provisions of the Scheme or with any rules made by the National Committee under the last preceding Article and for the time being in force.

Constitution of National Committee

38. The National Committee shall consist of 10 members of whom 5 shall be employers' representatives and 5 shall be colliery workers' representatives. Of the employers' representatives 4 shall be appointed and may be removed by the Board and one shall be appointed and may be removed by the Federation of Small Mines of Great Britain. Of the colliery workers' representatives 4 shall be appointed and may be removed by the National Union of Mineworkers and one shall be appointed and may be removed by the Minister, the person appointed by the Minister to be some person whom he shall, after consultation with such body or bodies representing colliery workers who are not members of the National Union of Mineworkers as appear to him to be appropriate to be consulted, consider suitable to represent such colliery workers. The Minister and each body entitled to appoint members of the National Committee may in respect of each person appointed by him or it appoint and remove a person to be an alternate member of the National Committee, and such alternate member shall in the absence of such member be entitled to attend and vote at all meetings of the National Committee on behalf of the member in respect of whom he is appointed and generally in the absence of such member to perform and exercise all the duties, powers and discretions of such absent member.

Appointment and removal of members of National Committee

39. The appointment and removal of any member of the National Committee and of any alternate member thereof shall be effected by an instrument in writing signed as the case may be by or on behalf of the Minister or the body making the appointment or effecting the removal, delivered at the principal office of the Board and to the National Committee. Whenever a vacancy occurs on the National Committee it shall be filled by a new appointment by the Board, the Federation of Small Mines of Great Britain, the National Union of Mineworkers or the Minister as the case may be.

Terms of appointment

40. Any appointment of a member or alternate member of the National Committee may be expressed to be for some specified term, or until the happening of some specified event, and upon the expiration of such term or the happening of such event the member or alternate member so appointed shall cease to be a member or alternate member of the National Committee.

Determination of appointment

41. The office of a member or alternate member of the National Committee shall determine if he shall by instrument in writing delivered to the National Committee resign his office or if he shall become bankrupt or of unsound mind.

Chairman of National Committee

42. The Board shall appoint the Chairman of the National Committee from amongst the members of the committee appointed by them and may prescribe the period for which he is to hold the office of Chairman.

National Committee proceedings

43. The National Committee may meet together for the dispatch of business, adjourn and otherwise regulate its proceedings as it thinks fit. The Chairman of the Committee shall take the chair at every meeting at which he is present but if he be not present the members of the Committee present at the meeting shall choose one of their number from those appointed by the Board to be chairman of the meeting. The continuing members of the Committee may act notwithstanding any vacancy in its body provided that the necessary quorum is available to enable them to act. The quorum necessary for the transaction of the business of the Committee shall be 4 of whom 2 must be employers' representatives and 2 must be colliery workers' representatives.

National Committee: determination of questions

44. Questions arising at any meeting of the National Committee shall be determined by a majority of votes. In the case of an equality of voting the chairman of the meeting shall not have a second or casting vote.

Joint Secretaries

45. There shall be 2 Joint Secretaries of the National Committee of whom one shall be appointed and may be removed by the employers' representatives and the other shall be appointed and may be removed by the colliery workers' representatives. If there shall for the time being be a vacancy in the office of Joint Secretary the surviving or continuing Joint Secretary shall have full power to act as Secretary of the National Committee and the National Committee may at any time and from time to time nominate any person to perform any of the duties of the Joint Secretaries of the National Committee in any case in which it is impracticable or inconvenient for the Joint Secretaries or surviving or continuing Joint Secretary to act. The National Committee may from time to time appoint such other officers and servants as may be requisite for its administration of the Scheme at such remuneration and upon such conditions as the National Committee shall deem proper. The remuneration of the Joint Secretaries shall also be such as the National Committee shall from time to time determine.

Sub-committees

46. The National Committee shall have power to appoint and to delegate all or any of its powers (other than its powers to make rules) to sub-committees consisting of one or more persons being members of its own body or of a Local Committee or officers or servants of the National Committee as the National Committee shall think fit and may make any rules for the conduct of the proceedings of any such sub-committee, and if any such sub-committee shall be appointed to deal with or inquire into any matter mainly or exclusively concerning the small mine owners, at least one such person nominated by the Federation of Small Mines of Great Britain shall be appointed to be a member of such sub-committee. The meetings and proceedings of every such sub-committee consisting of 2 or more persons shall be regulated by the provisions of the Scheme relating to the meetings and proceedings of the National Committee so far as the same may be applicable and are not superseded by any rules made under this Article by the National Committee.

Constitution of Local Committees

47. The National Committee shall establish a Local Committee for each Division or if it considers it requisite separate Local Committees each for some specified part of a Division in such manner and to consist of such persons as the National Committee shall determine or approve so however that each Local Committee shall be so composed that one half of the members

thereof are representatives of the employers and the other half thereof are representatives of the colliery workers, and that if in the Division or part of a Division for which the Local Committee is appointed there shall be more than 20 mines worked by small mine owners, at least one of the employers' representatives shall be a person nominated by the Federation of Small Mines of Great Britain. The Chairman for alternate periods of a year shall be a representative of the Board and of colliery workers respectively. Each Local Committee shall, subject to the approval of the National Committee, make rules for the conduct of its own proceedings, and in default of and subject to any such rules its proceedings shall with the necessary modifications be governed by the provisions of the Scheme relating to proceedings of the National Committee.

Administration by National Committee

48. Save in respect of those matters the administration of which is vested in the Minister hereunder, the management and administration of the Scheme shall be vested in the National Committee and the costs of such management and administration shall, subject to the approval of the Minister, in relation to such matters as he may direct, be borne by and paid out of the Fund.

Powers of investment

49. Any moneys forming part of the Fund and not for the time being required for payments to be made thereout may at the discretion of the National Committee be invested in authorised securities not being securities to bearer and the National Committee may retain any such security notwithstanding that it has ceased to be an authorised security.

Appointment of Nominee or Custodian Trustee

50. The National Committee shall have power to appoint a Nominee or a Custodian Trustee approved by the Minister to hold on behalf of the National Committee investments of the Fund not being money on deposit or current account with any bank or banking house in Great Britain.

Appointment of Trustees

51. Save in so far as any moneys, investments or other property are for the time being vested in any such Nominee or Custodian Trustee, the same shall be vested in the members of the National Committee (or in such 2 or more members as the National Committee shall from time to time determine) as Trustees. The members of the National Committee as such Trustees as aforesaid may act by a majority and, save that the quorum for meetings of the members as such Trustees shall be 2, all the provisions of the Scheme relating to proceedings of the National Committee shall apply to the proceedings of members of the National Committee in their capacity as such Trustees.

Authorised securities

52.—(1) The following shall be deemed to be authorised securities for the purposes of the Scheme:—

(i) Investments in which trustees are for the time being by law authorised to invest trust funds.

(ii) The purchase of or the advance of money upon the security of any real or leasehold premises in Great Britain.

(iii) The purchase of or the advance of money upon the security of the stocks, bonds, mortgages, or securities of any Public Body, Board or Authority supplying power, water, gas or electricity, or of any Harbour Board or of any Municipal Corporation, County or District Council or other Local Authority acting under statutory powers in the United Kingdom, or in any Commonwealth Territory.

(iv) Any stocks, funds or securities of any Commonwealth Territory.

(v) Any stocks, bonds, mortgages, shares or securities, the capital whereof, or a minimum rate of interest on which, is guaranteed by the British Government, or the Government of any Commonwealth Territory.

(vi) The purchase of or the advance of money upon the security of the bonds, debentures, debenture stock, mortgages, securities or guaranteed or preference stock or shares of any railway, shipping, tramway, canal, water, dock, harbour, gas, electricity, transport, or other like utility company, public or private, incorporated in the United Kingdom or any Commonwealth Territory, by or under any General or Special Act of the United Kingdom Parliament or of the Legislature of any Commonwealth Territory or by Royal Charter, and whether trading or carrying on business in the United Kingdom, any Commonwealth Territory or elsewhere.

(vii) The advance of money in or upon the security of the rates, revenues, funds, property or profits of or leviable by or belonging to any Municipality, County or District Council, Local or Public Authority or Body in the United Kingdom or any Commonwealth Territory and authorised by any General or Special Act of the United Kingdom Parliament or the Legislature of such Commonwealth Territory to be mortgaged or charged.

(viii) Debentures, debenture stock, bonds or other obligations, of any company, public or private, incorporated with limited liability in the United Kingdom.

(ix) Preference, preferred or ordinary stock or shares of any public company incorporated with limited liability in the United Kingdom provided that no additional money shall be invested in any such stock or shares so long as the value of all such stock or shares held as investments of the Fund equals or exceeds 50 per cent. of the total value of the assets of the Fund, and no money shall be invested in any such stock or shares of any such company unless—

(*a*) the shares of that company are quoted on the Stock Exchange or permission has been granted to deal in them, and

(*b*) if such company was incorporated or commenced trading less than 2 years before the date of the purchase, the purchase of such stock or shares would not raise the total value of all stock or shares of companies which were incorporated or commenced trading less than 2 years before the date of such purchase to more than one third of the total value of all preference, preferred or ordinary stock or shares held as investments of the Fund.

The certificate of the Auditors as to the value of any such stock or shares and as to the total value of the stock and shares referred to in sub-paragraph (*b*) or of the assets of the Fund shall be conclusive.

(x) The placing of money on loan with the Board or on deposit or on current account with any bank or banking house in Great Britain.

(2) The National Committee at their discretion may at any time vary any investments held including any real or leasehold premises whensoever acquired.

(3) As to all such real and leasehold premises (whether situate in England or any other part of Great Britain) the National Committee shall have all the powers of management or superintending the management thereof referred to in section 102 of the Settled Land Act 1925(a), and also generally all the powers conferred upon a tenant for life or the trustees of a settlement under the said Act and by way of extension of such powers, power to carry out any improvements of any kind to land or buildings which they consider advantageous (whether referred to in the said Act or not) and to grant leases of any kind for any term not exceeding 999 years and on such terms and conditions as may be thought desirable and to grant options.

(4) The National Committee shall have power where any such real or leasehold premises are held on behalf of the National Committee by a nominee or a custodian trustee to direct such nominee or trustee to carry into effect any decision of the National Committee within their powers and if the National Committee think fit they may arrange for the trusts to be kept off the title and the nominee or custodian trustee to hold the premises as if absolute owner thereof and to carry out transactions as to the premises as if such an owner.

(a) 15 & 16 Geo. 5. c. 18.

(5) In this Article "Commonwealth Territory" means any of the following territories and any state or province of such territories, that is to say—

(*a*) any territory specified for the time being in section 1(3) of the British Nationality Act 1948(a);

(*b*) any colony;

(*c*) the Isle of Man and the Channel Islands; and

(*d*) any protectorate, protected state or trust territory within the meaning of the said Act.

Power to borrow

53. If and to the extent that at any time the National Committee shall consider it inadvisable to realise any investments forming part of the Fund they may borrow money on the security of any assets of the Fund for the purpose of making any payments which ought to be made out of the Fund.

Accounts

54. The National Committee shall cause to be kept full and true accounts of the Fund and of all sums of moneys received and payments made by the National Committee and by all persons employed by or under the National Committee and shall cause to be kept full and correct records of all matters proper to be recorded. The accounts and records of the National Committee shall be at all times open to the inspection of the members of the National Committee and the Minister.

Annual statement

55. The National Committee shall not later than 31st May in every year have prepared a statement of accounts including a balance sheet made up to the last day of the preceding December, which shall have attached a report of the National Committee on the working of the Scheme, and shall also have attached a report by the Auditors stating whether they have obtained all the information and explanations which to the best of their knowledge and belief were necessary for the purposes of their audit, whether in their opinion proper books of accounts have been kept by the National Committee so far as appears from an examination of those books, and whether the accounts to which the report is attached, in their opinion and to the best of their information and according to the explanations given to them, give a true and fair view of the affairs of the Scheme and state of the Fund at the date of such accounts.

Auditors' access to books

56. The Auditors shall have a right of access at all times to the books and accounts of the National Committee and all vouchers relating to the items shown therein, and shall be entitled to require from the National Committee and its officers such information and explanations as they deem necessary for the performance of their duties.

Delivery of annual statement

57. A copy of every annual statement of accounts and of the National Committee's and Auditors' reports thereto attached shall, within 42 days of the date on which the same is completed, be delivered to the Minister and to each of the bodies having the right hereunder to make appointments to the National Committee.

Actuarial reviews

58.—(1) The Actuary shall review the operation of the Scheme from time to time and on such review shall make a report to the Minister on the financial condition of the Fund and the adequacy or otherwise of the supplementary contributions to support the supplementary benefits. The period to be covered by any such review and report shall commence immediately after the end of the period covered by the preceding review and report and shall be 5 years or such shorter period as the Minister or the National Committee may direct.

(a) 11 & 12 Geo. 6. c. 56.

(2) A copy of every review and report so made shall be delivered to the National Committee and to each of the bodies having the right hereunder to make appointments to the National Committee.

Deficiency in Fund

59. If from any review and report made under the last preceding Article it shall appear that the supplementary contributions are or are likely to be inadequate to support the supplementary benefits, then (save in so far as the solvency of the Fund may be secured by any temporary or permanent modifications in any of the rates of supplementary contribution or the rates or periods of supplementary benefits by order made pursuant to the provisions of section 83(8) of the Act) the Board shall pay to the National Committee by way of addition to the Fund during the following period of such length not exceeding 20 years as shall be determined by the Board such periodical sum as shall be stated by the Actuary as in his opinion necessary to be paid over such period to secure the solvency of the Fund.

Review of Scheme

60. If any alterations shall be made in the rates of contributions or amount or periods of benefits under the Act or in the national minimum wage rates or if any report of the Actuary shall have disclosed a surplus or a deficiency in the Fund then in any such case the National Committee shall review the Scheme and shall recommend to the Minister such amendments or variations thereof (if any) as the National Committee shall consider desirable.

Termination of the Scheme

61. Either of them the Board and the National Union of Mineworkers may at any time give not less than 12 months' notice to the Minister and to the other of them that it intends to withdraw from the Scheme, and upon the expiration of such notice, or of such extended period as the party giving the notice may consent to allow, the Scheme shall be terminated except so far as may be necessary for the purposes of Article 62 hereof, unless in the meantime the notice shall be withdrawn.

Winding up

62.—(1) If the Scheme shall be terminated, the National Committee shall make provision in such manner as, acting on the advice of the Actuary and with the approval of the Minister, it may think fit—

(*a*) for the protection of any rights to supplementary benefits in respect of employment as a colliery worker before the date of such termination;

(*b*) in the event of there being any balance of the Fund after making such provision as aforesaid, for repaying to the Board the amounts (if any) which they may have paid to the Fund for the purpose of securing its solvency under the provision in that behalf hereinbefore contained;

(*c*) for the winding up of the Fund and for the disposal of any ultimate balance in such manner as the Minister after consultation with the National Committee shall direct.

(2) In the event of the Fund being insufficient for the purposes specified in sub-paragraph (*a*) of the preceding paragraph, then the Board shall pay to the Fund during the following period of such length not exceeding 20 years as shall be determined by the Board such periodical sum by way of addition to the Fund as shall be certified by the Actuary as in his opinion required to secure that the said purposes shall be fulfilled.

Article 7

SCHEDULE 2

ORDERS REVOKED

Citation	Statutory Instrument
The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Order 1948.	S.I. 1948/1794 (Rev. XVI, p. 466 : 1948 I, p. 2954).
The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order 1950.	S.I. 1950/1142 (1950 II, p. 35).
The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order 1952.	S.I. 1952/344 (1952 II, p. 2225).
The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order 1953.	S.I. 1953/1138 (1953 I, p. 1431).
The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order 1955.	S.I. 1955/494 (1955 I, p. 1675).
The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment (No. 2) Order 1955.	S.I. 1955/1162 (1955 I, p. 1676).
The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order 1958.	S.I. 1958/1219 (1958 II, p. 1686).
The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order 1961.	S.I. 1961/602 (1961 I, p. 1319).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order varies and amends the provisions of the National Insurance (Industrial Injuries) Colliery Workers Supplementary Scheme. Rates of supplementary pension payable to widows and to women having the care of children of deceased colliery workers are raised, and the rates or amounts of supplementary contributions payable under the Scheme are increased.

The Order also enlarges the class of persons to whom the Scheme applies to include persons nominated to perform certain functions under the Mines and Quarries Act 1954. The list of securities in which the moneys of the Fund may be invested is revised and the provisions relating to actuarial reviews are varied. Other amendments are of a minor or consequential character.

The Order also replaces the existing provisions of the Scheme with the provisions set out in Schedule 1, being provisions consolidating the existing provisions as they are to have effect with the amendments made by the Order.

All previous Orders relating to the Scheme (which are set out in Schedule 2) are revoked.