SUPPLEMENTARY SCHEMES

1958 No. 1219

The National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order, 1958

Laid before Parliament in draft
Made - - - - 25*th July*, 1958
Coming into Operation 27*th August*, 1958

Whereas the National Committee for the time being constituted in accordance with the Supplementary Scheme set forth in the Schedule to 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 set out in the following order :

And whereas a draft of the said 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 paragraph (*a*) of subsection (8) of section 83 of the National Insurance (Industrial Injuries) Act, 1946(**c**), and of all other powers enabling him in that behalf, hereby makes the said order :—

Citation, interpretation and commencement

1.—(1) This order, which may be cited as the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order, 1958, shall be read as one with the National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Order, 1948, (hereinafter referred to as " the principal order "), as amended, and shall come into operation on the 27th August, 1958.

(2) In this order " the Scheme " means the Supplementary Scheme set forth in the Schedule to the principal order, as varied and amended.

Amendment to Article 1 *of the Scheme*

2. In paragraph (1) of Article 1, as amended(**d**), of the Scheme (which contains definitions) there shall be inserted the following definition :—

" ' accounting period ' means, as the case may require, either—

(*a*) the period of four contribution weeks ending at midnight of 14th September, 1958, and any succeeding period of four contribution weeks ending not later than midnight of 7th December, 1958 ; or

(*b*) the period beginning immediately after midnight of 7th December, 1958, and ending at midnight of 3rd January, 1959 ; or

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(**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 (1950 II, p. 35; 1952 II, p. 2225; 1953 I, p. 1431; 1955 I, pp. 1675, 1676).
(**c**) 9 & 10 Geo. 6. c. 62.
(**d**) *See* Article 2, S.I. 1952/344 (1952 II, p. 2225) and Article 3, S.I.1953/1138 (1953 I, p. 1431).

(c) any such period beginning after midnight of 3rd January, 1959, 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 the 31st December of one calendar year and midnight of the Saturday falling on or nearest to the 31st December of the next following calendar year shall consist of twelve periods;

(ii) every such period shall consist of four, five or six weeks."

Amendment to Article 5 of the Scheme

3. For Article 5 of the Scheme (which relates to the payment of contributions by the Board to the Fund), but without prejudice to anything duly done, or to any right or liability acquired or incurred, thereunder, there shall be substituted as from the 15th September, 1958, the following Article:—

"*Board's contributions*

5.—(1) 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 4d. for each ton of the saleable output of deep-mined coal in Great Britain in that accounting period less the appropriate fraction 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.

(2) For the purpose of the preceding paragraph, 'the appropriate fraction' means, in relation to any accounting period ending not later than midnight of 3rd January, 1959, one-thirteenth, and in relation to any subsequent accounting period, one-twelfth."

Amendment to Article 10 of the Scheme

4. For Article 10 of the Scheme (which relates to the payment of contributions by employers to the Board), there shall be substituted the following Article:—

"*Payment of contributions by employers to Board*

10. On the last day of the first period of four contribution weeks from the commencement of the Scheme and on the last day of every subsequent period of four contribution weeks or accounting period every employer other than the Board shall pay to the Board the amount of the supplementary contributions payable during such four contribution weeks or accounting period by such employer's colliery workers and the amount of the supplementary contributions (if any) payable during such four contribution weeks or 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."

Amendment to Article 11 of the Scheme

5. For Article 11 of the Scheme (which relates to the payment of contributions by the Board to the Fund), but without prejudice to anything duly

done, or to any right, privilege or liability acquired, accrued or incurred thereunder, there shall be substituted the following Article:—

"*Payment of contributions by Board to Fund*

11. Within seven days after the last day of every period of four contribution weeks or accounting period hereinbefore referred to, 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 four contribution weeks or accounting period, and

(*b*) the amount of the supplementary contributions for such four contribution weeks or 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 four contribution weeks or 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."

Amendments to Article 13 *of the Scheme*

6.—(1) Article 13 of the Scheme (which relates to the payment of supplementary benefits by the Minister) shall be amended in accordance with the succeeding paragraphs of this Article, and accordingly shall have effect as set out in the Schedule to this order.

(2) In sub-paragraph (*d*) of paragraph (1) of Article 13, as amended(**a**), (which sub-paragraph relates to supplementary widow's pension), there shall be substituted for the words "seven shillings and sixpence" the words "nine shillings and threepence", and for the words "twenty-five shillings" the words "thirty-one shillings".

(3) In sub-paragraph (*e*) of paragraph (1) of Article 13 (which sub-paragraph relates to the payment of a supplementary allowance to a woman having the care of the child or children of a deceased colliery worker), there shall be substituted for the words "twenty shillings" the words "thirty-one shillings".

(4) Paragraph (3) of Article 13 (which paragraph relates to the disregarding for the purposes of the payment of supplementary benefit of fractions of a penny) shall cease to have effect and accordingly is hereby revoked.

Amendment to Article 14 *of the Scheme*

7. Subject to the provisions of paragraph (1) of Article 13 of this order, as from the 5th November, 1958, for Article 14 of the Scheme (which relates

(**a**) *See* Article 2 (5), S.I. 1955/1162 (1955 I, p. 1676).

to the payment of benefits by the Board) there shall be substituted the following Article:—

"Benefits to be paid by the Board

14. 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 four 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 13 hereof."

Provision as to limitation of supplementary benefit

8. After Article 14A(a) of the Scheme there shall be inserted the following Article, which, subject to the provisions of Article 13 hereof, shall take effect as from the 5th November, 1958:—

"Limitation of supplementary benefit

14B.—(1) The rate of any supplementary injury benefit or supplementary disablement pension payable to a person under Article 13 or Article 14 hereof shall not, for any period other than the first three 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(**b**);

(*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 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.

(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(**c**) or by the Workmen's Compensation Act, 1906(**d**), 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(**e**), the Industrial Diseases (Benefit) Acts, 1951 and 1954 or under the Workmen's Compensation and Benefit (Supplementation) Act, 1956(**f**) shall be treated as a payment by way of workmen's compensation."

(**a**) *See* Second Schedule, S.I. 1950/1142 (1950 II, p. 35).
(**b**) 9 & 10 Geo. 6. c. 67.
(**c**) 15 & 16 Geo. 5. c. 84.
(**d**) 6 Edw. 7. c. 58.
(**e**) 14 & 15 Geo. 6. c. 22.
(**f**) 4 & 5 Eliz. 2. c. 51.

Amendment to Article 15 of the Scheme

9. For Article 15 of the Scheme (which relates to pre-accident and post accident earnings) there shall be substituted the following Article:—

"*Pre-accident and post-accident earnings*

15.—(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 twelve 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 twelve 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 twelve months or less, being a period not exceeding four 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 three 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 three months or, in the case of the first three months of such employment, during those three 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 six 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 eighteen years, a rate equal to six 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

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

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 disease only if he has established that he has abandoned that occupation as a result of that disease for the purposes of regulation 16A(**a**) of the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1948(**b**)."

Provision relating to sums payable by way of supplementary benefits

10. After Article 15 of the Scheme there shall be inserted the following Article:—

"*Adjustment of weekly rates of supplementary injury or disablement benefit*

15A. Where the weekly rate of supplementary injury benefit or of supplementary disablement benefit payable in accordance with the provisions of Article 13, and of Article 14B, if applicable, would, but for this provision, include a fraction of sixpence, that fraction shall be disregarded if it is less than threepence and shall be treated as sixpence if it is threepence or more."

Amendment to Article 18 of the Scheme

11. For Article 18 of the Scheme (which relates to claims for damages) there shall be substituted the following Article:—

"*Claims for damages*

18.—(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 four 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.

(**a**) *See* regulation 2, S.I. 1957/964 (1957 II, p. 1736).
(**b**) S.I. 1948/1371 (Rev. XVI, p. 482: 1948 I, p. 3001).

(*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 four years from the date of the accident or disease whichever first occurs; and after the expiration of such period of four 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 sub-paragraph (*a*) of paragraph (2) of this Article is not paid within two 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 sub-paragraph (*b*) of paragraph (2) of Article 13 hereof, supplementary benefits payable to any person from which deductions are made, or which are withheld, in pursuance of the last 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 the second column of the table contained in the Third Schedule as amended(b) to the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948(c), and the amount of such pension attributable to that part of the period so taken into account which falls within the period of four 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."

(a) 12, 13 & 14 Geo. 6, c. 51.
(b) *See* regulation 2, S.I. 1957/2074 (1957 II, p. 1730).
(c) S.I. 1948/1372 (Rev. XVI, p. 441: 1948 I, p. 2918).

Amendment to Article 49 of the Scheme

12. In sub-paragraph (ix) of paragraph (1) of Article 49 of the Scheme, as amended(a) (which sub-paragraph relates to the investment of a proportion of the Fund in preference, preferred or ordinary stock or shares) for the words "one quarter" there shall be substituted the words "thirty per cent".

Transitional Provisions

13.—(1) Article 14B, which by Article 8 of this order is added to the Scheme, shall not apply—

(*a*) in the case of any person who on the 5th November, 1958, is entitled to supplementary injury benefit or supplementary disablement pension, until the third day after the said 5th November for the weekly payment of that benefit;

(*b*) in the case of any person whom the Board certify to have been, on the said 5th November, continuously incapable of work for not less than thirteen weeks until such time as he returns to insurable employment:

Provided that notwithstanding the provisions of Article 7 of this order paragraph (2) of Article 14 of the Scheme shall continue to apply in the case of any person to whom sub-paragraph (*a*) of this paragraph applies until such time as Article 14B applies in his case.

(2) Article 15A, which by Article 10 of this order is added to the Scheme, shall not take effect in the case of any person who on the date of the coming into operation of the order is in receipt of supplementary disablement pension payable by means of orders for payment through the Post Office contained in a book (hereinafter called "the old book") until the date on which the first order in a new book issued in replacement of the old book is due to be paid or, if before that date the old book is surrendered to the Minister for the purpose of adjusting, in accordance with any provisions of the Act or of the Scheme, the sums payable by means of the said orders, the date on which the first adjusted order is due to be paid:

Provided that notwithstanding the revocation of paragraph (3) of Article 13 of the Scheme by Article 6 of this order, the said paragraph (3) shall continue to apply in the case of any person until such time as the said Article 15A applies in his case.

Dated this twenty-fifth day of July, 1958.

John Boyd-Carpenter,
Minister of Pensions and
National Insurance.

SCHEDULE

Article 6

ARTICLE 13 OF THE SUPPLEMENTARY SCHEME AS AMENDED*

Benefits to be paid by Minister

13.—(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 two shillings and sixpence 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):

(a) *See* S.I. 1950/1142 (1950 II, p. 35).

* The words substituted by this order are shown in italics.

Provided that, for any period during which the beneficiary is under the age of eighteen 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 two shillings and sixpence, a reference—

(i) for a period during which he is between the ages of seventeen and eighteen, to one shilling and tenpence; and

(ii) for a period during which he is under the age of seventeen, to one shilling and threepence;

(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 one hundred per cent. by an amount calculated at the weekly rate of two shillings and sixpence:

Provided that—

(a) 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 one hundred per cent. for any period—

(i) 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 amended(a), as an assessment of one hundred per cent.;

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

(b) 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 two shillings and sixpence to one shilling and tenpence or one shilling and threepence, as the case may be, in the circumstances and for the periods 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 paragraph (a) or paragraph (c) of subsection (3) of section 19 of the Act, at the weekly rate of *nine shillings and three pence;*

(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 *thirty-one shillings:*

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 subsection (1) of section 19 of the Act exceeds the weekly rate of the pension payable to her under paragraph (a) of subsection (2) of section 19 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;

(a) *See* section 3(3), National Insurance (Industrial Injuries) Act, 1953 (1 & 2 Eliz. 2. c. 43).

(dd) 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 paragraph (b) of subsection (2) of section 19 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;

(e) 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 *thirty-one shillings* 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 two 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.

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 limitation on the rate of supplementary benefits is extended to wider categories of beneficiaries and so as to have regard to pre-accident earnings as compared with the income from Industrial Injuries benefits, certain National Insurance benefits, workmen's compensation and payments under certain non-statutory schemes providing benefit in respect of sickness and accidents and from post-accident earnings, if any. The amount of benefit that may be recovered or withheld where a supplementary gratuity is awarded and damages are paid has been limited to the amount of a notional pension in lieu of the gratuity that would have been paid during the four years following the date of the accident. The proportion of the Fund's assets which may be invested in preference, preferred or ordinary stock or shares is increased from twenty-five to thirty per cent., and amendments are made to the accounting provisions of the Scheme in order that they may conform more closely to the accounting arrangements of the National Coal Board. Other amendments are of a minor or consequential character.