STATUTORY INSTRUMENTS

1980 No. 1984

COAL INDUSTRY

The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment No. 3) Order 1980

Laid before the House of Commons in draft

Made - - - - 17*th December* 1980

Coming into Operation 22*nd December* 1980

The Secretary of State, in exercise of the powers conferred upon him by section 7(1) and (7) of the Coal Industry Act 1977(**a**), hereby makes the following Order, a draft of which has been laid before the Commons House of Parliament and has been approved by that House in accordance with section 7(7) of that Act:—

1. This Order may be cited as the Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment No. 3) Order 1980 and shall come into operation on 22nd December 1980.

2. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1978(**b**) shall be further varied as specified in the following provisions of this Order.

3. In Article 1 of the Schedule—

(*a*) for the definition of "coal industry employer" there shall be substituted the following definition—

" "coal industry employer":

(i) in relation to a coal industry employee for whom the relevant date fell on or after 22nd December 1980, means the Board, one of their subsidiaries, a coking plant operator, a person or persons responsible for the payment of the remuneration of a workmen's employee, a small mine licensee and any other person employing him prior to 1st January 1947 at a coal mine, a coking plant or at a prescribed place;

(ii) in relation to a coal industry employee within paragraph (1) of Article 2 for whom the relevant date fell before 22nd December 1980, means the Board, one of their subsidiaries, a person or persons responsible for the payment of the remuneration of a workmen's employee, a small mine licensee and any other person employing him prior to 1st January 1947 at a coal mine or at a prescribed place within Part 1 of Appendix 1;

(**a**) 1977 c. 39; section 7(1) was amended by the Coal Industry Act 1980 (c. 50), section 7(1), and extended by section 7(2) of that Act.

(**b**) S.I. 1978/415; relevant amending instruments are S.I. 1979/385, 1980/835.

(iii) in relation to a coal industry employee within paragraph (3) of Article 2, means a coking plant operator or any other person employing him prior to 1st January 1947 at a coking plant or at a prescribed place within Part 2 of Appendix 1";

(*b*) there shall be inserted after the definition of "coal industry employer" the following definition—

" "coking plant operator" means a person carrying on in Great Britain a business which consists wholly or mainly of the production of coke:".

4. In Article 2 of the Schedule—

(i) there shall be inserted at the beginning of the first sentence the figure "(1)";

(ii) there shall be inserted after the words "prescribed place" the words "within Part 1 of Appendix 1";

(iii) after the words "coal industry employee" there shall be inserted the following paragraphs—

"(2) Any person who is or was on the relevant date employed by a coking plant operator at a coking plant or prescribed place within Part 2 of Appendix 1—

(*a*) who—

(i) is a daily paid industrial worker employed in a capacity described in the first Schedule to an agreement on the national grading structure for the coke and by-product industry made on 5th April 1956 between the Board and the National Union of Mineworkers; or

(ii) is weekly paid industrial staff who is, or would if employed in the same capacity by a subsidiary of the Board being a coking plant operator be, in a grade within the first Schedule to an agreement dated 1st September 1965 between the Board and the National Union of Mineworkers; or

(iii) is employed in a grade specified in numbers 3 to 10 inclusive of Appendix 2 or in a capacity equivalent thereto: and

(*b*) for whom, notwithstanding paragraph (*b*) of Article 3, when he became a redundant person the relevant date fell on or after 22nd December 1980 and before 1st April 1984,

shall, subject as hereinafter provided, be eligible for payments under this Scheme and is also hereafter referred to as a "coal industry employee".

(3) Any person who would be within paragraph (2) except that, when he became a redundant person, the relevant date fell on or after 1st January 1978 and before 22nd December 1980 shall, notwithstanding paragraph (*b*) of Article 3 but subject otherwise as hereinafter provided, be eligible for weekly payments under this Scheme and is also, except for the purposes of Articles 14 and 14A, hereafter referred to as a "coal industry employee"."

5. In Article 3 of the Schedule—

(i) in paragraph (*a*) there shall be inserted after the words "coal mines" the words "or coking plants", and after the words "such mines" the words "or plants";

(ii) in paragraph (*b*) for the words "29th March 1981" there shall be substituted the words "1st April 1984".

6. In paragraph (1) of Article 4 of the Schedule the words "or with any other employer at a coal mine or at a prescribed place prior to 1st January 1947," shall be deleted.

7. In paragraph (1) of Article 5 of the Schedule for the words "25th March 1978" there shall be substituted the words "1st January 1978".

8. There shall be inserted after Article 5 of the Schedule the following new Article—

"5A. In the case of a coal industry employee eligible under paragraph (3) of Article 2—

(1) no weekly sum shall be payable to him under this Scheme in respect of the period between the relevant date and 22nd December 1980;

(2) Articles 5 to 12 inclusive shall apply as if weekly benefit paid to him prior to 22nd December 1980 under an agreement dated 14th March 1978 between the Board and the National Union of Mineworkers had been paid to him under this Scheme;

(3) if he was not eligible under that agreement and during the period referred to in paragraph (2), Articles 5 to 12 inclusive shall apply, as if weekly benefit had been paid to him under this Scheme in respect of that period."

9. In Article 6 of the Schedule—

(*a*) in the proviso which follows sub-paragraph (1)(*b*) for the words "or (x)" there shall be substituted the words "(x), (xi) or (xii)";

(*b*) in sub-paragraph (i)(*c*) there shall be added immediately after head (x) the following new heads:

"(xi) pension benefits, other than widows' benefits and benefits wholly in respect of employment with a person other than a coking plant operator, paid under an occupational pension scheme to or in respect of a coal industry employee who at the relevant date was employed by a coking plant operator and who (not being a member of the Staff Superannuation Scheme) satisfied the conditions contained in either paragraph (i) or (iii) of Article 2(2)(*a*);

(xii) pension benefits, other than widows' benefits and benefits wholly in respect of employment with a person other than a coking plant operator, paid under an occupational early retirement scheme (not being an occupational pension scheme) to or in respect of a coal industry employee who at the relevant date was employed by a coking plant operator and who satisfied the conditions contained in paragraph (i), (ii) or (iii) of Article 2(2)(*a*);".

10. To paragraph (1) of Article 7 of the Schedule there shall be added at the end the words—

"or who, being at the relevant date employed by a coking plant operator and satisfying the conditions contained in paragraph (ii) of Article 2(2)(*a*), receives any payment, other than widow's benefit and benefits wholly in

respect of employment with a person other than a coking plant operator, under any occupational pension scheme".

11. For paragraph (2) of Article 8 of the Schedule there shall be substituted the following paragraph—

"(2) The weekly sum payable under paragraph (1) to an employee who—

(*a*) is in receipt of a pension under the Staff Superannuation Scheme; or

(*b*) being at the relevant date employed by a coking operator and satisfying the conditions contained in paragraph (ii) of Article 2(2)(*a*), is in receipt of a pension (not being a pension wholly in respect of employment with a person other than a coking plant operator) under an occupational pension scheme;

shall be reduced or extinguished, as the case may be, by the amount by which the weekly value of such pension exceeds £8."

12. In sub-paragraph (*b*) of Article 9(1) of the Schedule for the words "30th March 1991" there shall be substituted the words "2nd April 1994".

13. In paragraph (1) of Article 13 of the Schedule after the words "the relevant date" there shall be inserted the words—

"or in the case of any coal industry employee eligible under Article 2(3) not later than 26 weeks after 22nd December 1980."

14. In Article 14 of the Schedule—

(*a*) in paragraph (1) the words "or with any other employer at a coal mine or at a prescribed place prior to 1st January 1947" shall be deleted;

(*b*) in sub-paragraph (*d*) of paragraph (2) for the words "an agreement dated 5th June 1973" there shall be substituted the words "either of two agreements dated 5th June 1973 and 14th March 1978".

15. In Article 14A of the Schedule—

(i) In sub-paragraph (1)(*a*) for the words "29th March 1981" there shall be substituted the words "1st April 1984".

(ii) In sub-paragraph (3)(*c*) for the words "an agreement dated 5th June 1973" there shall be substituted the words "either of two agreements dated 5th June 1973 and 14th March 1978".

(iii) In paragraph (6) the words "or with any other employer at a coal mine or at a prescribed place prior to 1st January 1947" shall be deleted.

(iv) After paragraph (6) there shall be inserted a new paragraph as follows:

"(7) Notwithstanding sub-paragraph (*a*) of paragraph (5), for the calculation of the amount of a week's pay of any coal industry employee for whom the relevant date fell on or after 22nd December 1980—

(*a*) if notice of termination of employment is required to be given to him under section 49 of the Employment Protection (Consolidation) Act 1978(**a**), the "calculation date" referred

(**a**) 1978 c. 44.

to in sub-paragraph (*a*) of paragraph (5) shall be as provided in sub-paragraphs (*k*) and (*l*) of paragraph 7(1) and in paragraph 7(2) of Schedule 14 to that Act (definition of the "calculation date" for the purpose of redundancy payments under Schedule 4 to that Act);

(*b*) if no such notice is required to be given to him, the "calculation date" shall be the relevant date."

16. For paragraphs (1) and (2) of Article 15 of the Schedule there shall be substituted the following paragraphs—

"(1) The Secretary of State may pay to the Board a proportion of the costs incurred by the Board in providing concessionary coal (or making payments in lieu of such provision) to or in respect of any person who satisfies the provisions of paragraph (3)—

(*a*) in the case of a person mentioned in either sub-paragraph (*a*) or (*b*) of paragraph (3), where those costs where incurred on or after 26th March 1978; and

(*b*) in the case of a person mentioned in sub-paragraph (*c*) of paragraph (3), where those costs were incurred on or after 22nd December 1980,

the proportion referred to above being—

(i) where the person in relation to whom the costs were incurred was aged over 55 but under 60 on the relevant date, the whole until he reaches the age of 60, and thereafter one half; and

(ii) where the person in relation to whom the costs were incurred was aged 60 but under 65 on the relevant date, one half.

(2) Subject to paragraph (4)—

(*a*) in making such provision to or in respect of any person mentioned in paragraph (3) other than a person within sub-paragraph (*b*) of this paragraph the Board shall take into account the rate at which he would have received concessionary coal under the national or local arrangements applicable to that person (and subject to any qualification not relating to age contained therein) if on that person's relevant date he had left the employment of the Board because he had reached his normal retiring age;

(*b*) in making such provision to or in respect of any person mentioned in sub-paragraph (3)(*c*) who at the relevant date was employed by a coking plant operator not being a subsidiary of the Board, the Board shall take into account the rate at which that person receives concessionary coal under such arrangement as is applicable to him."

17. In paragraph (3) of Article 15 of the Schedule—

(i) in sub-paragraph (*a*) after the words "any person" there shall be inserted the words "who satisfies the conditions in paragraph (1) of Article 2 and";

(ii) the word "and" at the end of sub-paragraph (*a*) shall be deleted;

(iii) a semi-colon shall be substituted for the comma at the end of sub-paragraph (*b*) and the word "and" shall be inserted thereafter;

(iv) after sub-paragraph (*b*) but before the proviso there shall be inserted the following sub-paragraph—

"(*c*) any person who satisfies the conditions in either paragraph (2) or (3) of Article 2 and is eligible for payments under the Scheme contained in Part 1 of this Schedule,".

18. In Appendix 1 to the Schedule—

(*a*) after the heading "Prescribed Places" there shall be inserted the following words

"Part 1

Prescribed Places Ancillary to Coal Mines.";

(*b*) at the end thereof there shall be inserted the new part (Part 2) set out in the Schedule to this Order.

19. In paragraph 7 of Appendix 3 to the Schedule, in the definition of "period of employment" the words "and in the case of paragraph 1 by any other employer at a coal mine or at a prescribed place prior to 1st January 1947" shall be deleted.

John Moore,
Parliamentary Under Secretary of State,
Department of Energy.

17th December 1980

SCHEDULE

PART 2

PRESCRIBED PLACES ANCILLARY TO COKING PLANTS

Coke depots
Coke laboratories
Coke stocking grounds
Generating plants
Local and headquarters offices and establishments
Medical centres
Pumping stations
Railway sidings and other places associated with the operation of railways
Tar distillation plants and tar handling depots
Training centres
Workshops, stores, and plant pool depots.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Redundant Mineworkers Payments Scheme and the Concessionary Coal Scheme, both of which are scheduled to the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1978, provide for benefits to certain coal industry employees made redundant between 25th March 1978 and 29th March 1981.

The principal change made by this Order is to extend those schemes to certain employees made redundant in the coke industry (Article 4(iii), by their inclusion in the definition of "coal industry employee"). In the case of such employees made redundant on or after 22nd December 1980 (the date on which this Order comes into operation) benefits are payable under the same provisions as apply in the case of a redundant employee in the coal industry. Payments of weekly benefit and of the cost of concessionary coal will also be payable in the case of such coke industry employees made redundant between 1st January 1978 and 22nd December 1980, but only in respect of a period after 22nd December 1980. Provision is accordingly made (under Article 8 of this Order) to determine the period during which benefits will be payable in cases within this special category. Employees in the coal industry made redundant between 1st January 1978 and 25th March 1978 are not within the 1978 Scheme but are within the equivalent schemes set up in 1973.

Secondly the period of eligibility under the schemes is extended for employees in the coal and coke industries so as to include those redundant before 1st April 1984 (Article 5(ii)).

For a man redundant after 22nd December 1980 this Order also changes the date (laid down in a new Article 14A added by the Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment No. 2) Order 1980 (S.I. 1980/835)) by reference to which his weekly pay is calculated for the purpose of determining the amount of any lump sum benefit payable; the date of redundancy notice will in most cases apply instead of the date of redundancy itself (Article 15(iv)).

The remaining provisions of the Order make changes to the schemes consequent upon those mentioned above.

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