STATUTORY INSTRUMENTS

1982 No. 407

COAL INDUSTRY

The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1982

Laid before the House of Commons in draft

Made - - - - - 16*th March* 1982

Coming into Operation 6*th April* 1982

The Secretary of State, in exercise of the powers conferred on 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) Order 1982 and shall come into operation on 6th April 1982.

2. In this Order—

"the 1973 Order" means the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1973**(b)**; and "the 1978 Order" means the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1978**(c)**.

3. The 1973 Order shall be further varied in the Schedule as follows—

(a) in Article 1, after the definition of "the relevant tax year" there shall be inserted the following definition—

" 'the Schemes of 1978' means the Redundant Mineworkers and Concessionary Coal Payments Schemes, set out in the Schedule to the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1978";

(b) in Article 2 after the word "shall", there shall be inserted the words "unless he has made an election under Article 5B of the Schemes of 1978 and";

(c) in Article 5 at the end of the proviso to paragraph (4), there shall be added the words "and that such cessation is before 6th April 1982";

(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. 1973/1268; relevant amending instruments are S.I. 1977/524, 1980/434, 1981/482.

(c) S.I. 1978/415; relevant amending instruments are S.I. 1980/434, 1981/482: the Schemes scheduled to S.I. 1978/415, as amended, are set out in Schedule 3 to S.I. 1981/482.

(d) in Article 6, in the proviso to sub-paragraphs (1)(i) and (1)(ii), for the words "6th April 1981" and the figures "£8·92" there shall be substituted respectively the words "6th April 1982" and the figures "£9·93";

(e) for Article 11, there shall be substituted the following Article—
"11. Where the total weekly payment to a coal industry employee under this Scheme includes a fraction of a penny that fraction shall be disregarded if it is less then half a penny and shall be treated as a whole penny if it is half a penny or more.".

4. The 1978 Order shall be further varied in the Schedule as follows—

(a) In Article 1, after the definition of "the relevant tax year", there shall be inserted the following definition—

"'the Schemes of 1973' means the Redundant Mineworkers and Concessionary Coal Payments Schemes, set out in the Schedule to the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1973;".

(b) In Article 5—

(i) at the end of paragraph (1)(d), the word "and" shall be deleted;

(ii) in paragraph (1)(e), for the words "on or after 6th April 1981", there shall be substituted the words "after 5th April 1981 and before 6th April 1982"; and the word "and" shall be inserted at the end of that sub-paragraph;

(iii) after paragraph (1)(e), there shall be inserted the following sub-paragraph—
"(f) whose relevant date fell on or after 6th April 1982 the weekly sum specified in Part 6 of Appendix 4 opposite the amounts specified in column 1 thereof appropriate to the amount of that employee's pre-redundancy earnings.";

(iv) at the end of paragraph (3), there shall be added the words "or under Article 5B";

(v) at the end of paragraph (4), there shall be inserted the words "and that his date of cessation of that employment is before 6th April 1982";

(vi) in paragraph (5), there shall be inserted after "under paragraph (4)" the words "or under Article 5B" ;

(vii) in paragraph (6), after the word "Scheme" there shall be inserted "or under Article 5B".

(c) After Article 5A, there shall be inserted the following Article—

"5B—(1) Notwithstanding anything in the foregoing provisions of this Scheme, a person—

(a) who would be a coal industry employee within Article 2(1) except that his relevant date fell on or after 10th December 1972 and before 25th March 1978; and

(b) who is re-employed by a coal industry employer for a period of not less than one year; and

(c) who is then dismissed by a coal industry employer by reason of redundancy within the meaning of section 81(2) and (3) of the Employment Protection (Consolidation) Act 1978(a); and

(d) whose date of cessation of the period of employment referred to in sub-paragraph (b) is on or after 6th April 1982,

shall be eligible for payments under Article 5(1) and (2): Provided that such payments shall be payable to such a person who does not make an election in accordance with paragraph (2) only after the exhaustion of his eligibility to benefit under Article 5(1) of the Schemes of 1973, and the weekly sum payable shall be that received by him during the final week of that eligibility, adjusted in accordance with Article 5(2) of this Scheme as if that sum had been paid under Article 5(1) of this Scheme.

(2) A person within paragraph (1), or a coal industry employee who is eligible for payments under the foregoing provisions of this Scheme and satisfies the requirements of sub-paragraphs (b), (c) and (d) of paragraph (1), may elect to substitute the date of cessation referred to in sub-paragraph (d) as the relevant date for the purposes of Article 5(1) and (2) and of adjusting his basic benefit under Article 6: Provided that:

(i) such election is made within 26 weeks of the said date of cessation;

(ii) notwithstanding the provisions of Article 5(1), in respect of any week within the said period of 26 weeks prior to the coal industry employee making the election, the benefit payable to him shall be the sum payable under Article 5(1) and (2) less any sum for which he is eligible under Article 5(1) and (2) of the Schemes of 1973 in respect of the same week.".

(d) In Article 6, in the proviso to sub-paragraph (1)(a) and (1)(b), for the words "6th April 1981" and the figures "£8.92" there shall be substituted respectively the words "6th April 1982" and the figures "£9·93".

(e) In Article 9—

(i) in sub-paragraph (2)(a), before the words "No coal industry employee", there shall be inserted the words "Subject to sub-paragraph (c),";

(ii) after sub-paragraph (2)(b), there shall be inserted the following sub-paragraph—

"(c) No person who may elect as provided in Article 5B, shall be eligible for weekly payments under Article 5 of this Scheme in respect of an aggregate of more than 260 weeks less the number of weeks (if any) in respect of which he was eligible for benefit solely under Article 5 of the Schemes of 1973.".

(a) 1978 c. 44.

(f) For Article 11, there shall be substituted the following Article—

"11. Where the total weekly payment to a coal industry employee under this Scheme includes a fraction of a penny that fraction shall be disregarded if it is less than half a penny and shall be treated as a whole penny if it is half a penny or more.".

(g) After Part 5 of Appendix 4, there shall be inserted the Table set out in the Schedule to this Order.

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

16th March 1982.

SCHEDULE

Article 4(g)

Appendix 4—*continued*

Article 5(1)(*f*)

Part 6

TABLE OF PRE-REDUNDANCY EARNINGS AND WEEKLY PAYMENTS

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)(*f*)
Exceeding	but not exceeding	
£ p	£ p	£ p
0·00	62·25	9·93
62·25	62·50	10·03
62·50	62·75	10·17
62·75	63·00	10·32
63·00	63·25	10·46
63·25	63·50	10·61
63·50	63·75	10·76
63·75	64·00	10·90
64·00	64·25	11·04
64·25	64·50	11·19
64·50	64·75	11·34
64·75	65·00	11·48
65·00	65·25	11·62
65·25	65·50	11·77
65·50	65·75	11·92
65·75	66·00	12·06
66·00	66·25	12·20
66·25	66·50	12·34
66·50	66·75	12·50
66·75	67·00	12·64
67·00	67·25	12·78
67·25	67·50	12·93
67·50	67·75	13·08
67·75	68·00	13·22
68·00	68·25	13·36
68·25	68·50	13·51
68·50	68·75	13·66
68·75	69·00	13·80

Appendix 4—*continued*

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)(*f*)
Exceeding	but not exceeding	
£ p	£ p	£ p
69·00	69·25	13·94
69·25	69·50	14·09
69·50	69·75	14·24
69·75	70·00	14·38
70·00	70·25	14·53
70·25	70·50	14·67
70·50	70·75	14·81
70·75	71·00	14·96
71·00	71·25	15·11
71·25	71·50	15·25
71·50	71·75	15·39
71·75	72·00	15·54
72·00	72·25	15·69
72·25	72·50	15·83
72·50	72·75	15·97
72·75	73·00	16·12
73·00	73·25	16·27
73·25	73·50	16·41
73·50	73·75	16·55
73·75	74·00	16·71
74·00	74·25	16·85
74·25	74·50	16·99
74·50	74·75	17·13
74·75	75·00	17·28
75·00	75·25	17·43
75·25	75·50	17·57
75·50	75·75	17·71
75·75	76·00	17·86
76·00	76·25	18·01
76·25	76·50	18·15
76·50	76·75	18·30
76·75	77·00	18·44
77·00	77·25	18·59
77·25	77·50	18·73
77·50	77·75	18·88
77·75	78·00	19·02
78·00	78·25	19·17
78·25	78·50	19·31
78·50	78·75	19·46
78·75	79·00	19·60
79·00	79·25	19·75
79·25	79·50	19·89
79·50	79·75	20·04
79·75	80·00	20·18
80·00	80·25	20·32
80·25	80·50	20·48
80·50	80·75	20·62
80·75	81·00	20·76
81·00	81·25	20·90

Appendix 4—*continued*

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)(*f*)
Exceeding	but not exceeding	
£ p	£ p	£ p
81·25	81·50	21·06
81·50	81·75	21·20
81·75	82·00	21·34
82·00	82·25	21·48
82·25	82·50	21·64
82·50	82·75	21·78
82·75	83·00	21·92
83·00	83·25	22·07
83·25	83·50	22·22
83·50	83·75	22·36
83·75	84·00	22·50
84·00	84·25	22·65
84·25	84·50	22·79
84·50	84·75	22·94
84·75	85·00	23·08
85·00	85·25	23·23
85·25	85·50	23·37
85·50	85·75	23·52
85·75	86·00	23·66
86·00	86·25	23·81
86·25	86·50	23·95
86·50	86·75	24·10
86·75	87·00	24·25
87·00	87·25	24·39
87·25	87·50	24·53
87·50	87·75	24·68
87·75	88·00	24·83
88·00	88·25	24·97
88·25	88·50	25·11
88·50	88·75	25·26
88·75	89·00	25·41
89·00	89·25	25·55
89·25	89·50	25·69
89·50	89·75	25·83
89·75	90·00	25·99
90·00	90·25	26·13
90·25	90·50	26·27
90·50	90·75	26·42
90·75	91·00	26·57
91·00	91·25	26·71
91·25	91·50	26·85
91·50	91·75	27·00
91·75	92·00	27·15
92·00	92·25	27·29
92·25	92·50	27·43
92·50	92·75	27·58
92·75	93·00	27·73
93·00	93·25	27·87
93·25	93·50	28·02

Appendix 4—*continued*

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)(*f*)
Exceeding	but not exceeding	
£ p	£ p	£ p
93·50	93·75	28·16
93·75	94·00	28·30
94·00	94·25	28·45
94·25	94·50	28·60
94·50	94·75	28·74
94·75	95·00	28·88
95·00	95·25	29·03
95·25	95·50	29·18
95·50	95·75	29·32
95·75	96·00	29·46
96·00	96·25	29·61
96·25	96·50	29·76
96·50	96·75	29·90
96·75	97·00	30·04
97·00	97·25	30·20
97·25	97·50	30·34
97·50	97·75	30·48
97·75	98·00	30·62
98·00	98·25	30·77
98·25	98·50	30·92
98·50	98·75	31·06
98·75	99·00	31·20
99·00	99·25	31·35
99·25	99·50	31·50
99·50	99·75	31·64
99·75	100·00	31·79
100·00	100·25	31·93
100·25	100·50	32·08
100·50	100·75	32·22
100·75	101·00	32·37
101·00	101·25	32·51
101·25	101·50	32·66
101·50	101·75	32·80
101·75	102·00	32·95
102·00	102·25	33·09
102·25	102·50	33·24
102·50	102·75	33·38
102·75	103·00	33·53
103·00	103·25	33·67
103·25	103·50	33·81
103·50	103·75	33·97
103·75	104·00	34·11
104·00	104·25	34·25
104·25	104·50	34·39
104·50	104·75	34·55
104·75	105·00	34·69
105·00	105·25	34·83
105·25	105·50	34·97
105·50	105·75	35·13

Appendix 4—*continued*

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)(*f*)
Exceeding	but not exceeding	
£ p	£ p	£ p
105·75	106·00	35·27
106·00	106·25	35·41
106·25	106·50	35·55
106·50	106·75	35·71
106·75	107·00	35·85
107·00	107·25	35·99
107·25	107·50	36·14
107·50	107·75	36·28
107·75	108·00	36·43
108·00	108·25	36·57
108·25	108·50	36·72
108·50	108·75	36·86
108·75	109·00	37·01
109·00	109·25	37·15
109·25	109·50	37·30
109·50	109·75	37·44
109·75	110·00	37·59
110·00	110·25	37·74
110·25	110·50	37·88
110·50	110·75	38·02
110·75	111·00	38·17
111·00	111·25	38·32
111·25	111·50	38·46
111·50	111·75	38·60
111·75	112·00	38·75
112·00	112·25	38·90
112·25	112·50	39·04
112·50	112·75	39·18
112·75	113·00	39·32
113·00	113·25	39·48
113·25	113·50	39·62
113·50	113·75	39·76
113·75	114·00	39·91
114·00	114·25	40·06
114·25	114·50	40·20
114·50	114·75	40·34
114·75	115·00	40·49
115·00	115·25	40·64
115·25	115·50	40·78
115·50	115·75	40·92
115·75	116·00	41·07
116·00	116·25	41·22
116·25	116·50	41·36
116·50	116·75	41·51
116·75	117·00	41·65
117·00	117·25	41·79
117·25	117·50	41·94
117·50	117·75	42·09
117·75	118·00	42·23

Appendix 4—*continued*

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)(*f*)
Exceeding	but not exceeding	
£ p	£ p	£ p
118·00	118·25	42·37
118·25	118·50	42·52
118·50	118·75	42·67
118·75	119·00	42·81
119·00	119·25	42·95
119·25	119·50	43·10
119·50	119·75	43·25
119·75	120·00	43·39
120·00	120·25	43·53
120·25	120·50	43·69
120·50	120·75	43·83
120·75	121·00	43·97
121·00	121·25	44·11
121·25	121·50	44·26
121·50	121·75	44·41
121·75	122·00	44·55
122·00	122·25	44·69
122·25	122·50	44·84
122·50	122·75	44·99
122·75	123·00	45·13
123·00	123·25	45·28
123·25	123·50	45·42
123·50	123·75	45·57
123·75	124·00	45·71
124·00	124·25	45·86
124·25	124·50	46·00
124·50	124·75	46·15
124·75	125·00	46·29
125·00	125·25	46·44
125·25	125·50	46·58
125·50	125·75	46·73
125·75	126·00	46·87
126·00	126·25	47·02
126·25	126·50	47·16
126·50	126·75	47·30
126·75	127·00	47·46
127·00	127·25	47·60
127·25	127·50	47·74
127·50	127·75	47·88
127·75	128·00	48·04
128·00	128·25	48·18
128·25	128·50	48·32
128·50	128·75	48·46
128·75	129·00	48·62
129·00	129·25	48·76
129·25	129·50	48·90
129·50	129·75	49·04
129·75	130·00	49·20
130·00	130·25	49·34

Appendix 4—*continued*

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)(*f*)
Exceeding £ p	but not exceeding £ p	£ p
130·25	130·50	49·48
130·50	130·75	49·63
130·75	131·00	49·77
131·00	131·25	49·92
131·25	131·50	50·06
131·50	131·75	50·21
131·75	132·00	50·35
132·00	132·25	50·50
132·25	132·50	50·64
132·50	132·75	50·79
132·75	133·00	50·93
133·00	133·25	51·08
133·25	133·50	51·23
133·50	133·75	51·37
133·75	134·00	51·51
134·00	134·25	51·66
134·25	134·50	51·81
134·50	134·75	51·95
134·75	135·00	52·09
135·00	135·25	52·24
135·25	135·50	52·39
135·50	135·75	52·53
135·75	136·00	52·67
136·00	136·25	52·81
136·25	136·50	52·97
136·50	136·75	53·11
136·75	137·00	53·25
137·00	137·25	53·40
137·25	137·50	53·55
137·50	137·75	53·69
137·75	138·00	53·83
138·00	138·25	53·98
138·25	138·50	54·13
138·50	138·75	54·27
138·75	139·00	54·41
139·00	139·25	54·56
139·25	139·50	54·71
139·50	139·75	54·85
139·75	140·00	55·00
140·00	AND OVER	55·14

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes further changes in the Redundant Mineworkers Payments Schemes scheduled to the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1973 and the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1978. The 1973 Scheme provides for benefits to certain employees in the coal industry made redundant from 10th December 1972 to 25th March 1978. The 1978 Scheme makes provision for employees in the coal industry made redundant between 25th March 1978 and 1st April 1984 and for employees in the coke industry make redundant between 1st January 1978 and 1st April 1984.

A number of changes are made by this Order:

(i) It provides for the addition to the 1978 Scheme of a new table of basic weekly benefit for those who become redundant on or after 6th April 1982 (Article 4(b)(iii) and 4(g)).

(ii) Under the 1973 and 1978 Schemes a coal industry employee who, after a period of eligibility for payments, re-enters the industry and, after at least a year of such re-employment, is again made redundant, may elect to substitute a new relevant date (related to the end of his re-employment) for certain purposes of the Schemes. In respect of such employees first eligible under either the 1973 or the 1978 Scheme and redundant for the second time on or after 6th April 1982 this Order provides, by a new Article 5B of the 1978 Scheme, for a wider right of election, including the purposes of Article 5(1) of the 1978 Scheme, under which weekly benefit payable is calculated, and for the transfer to eligibility under the 1978 Scheme of persons whose first period of eligibility was under the 1973 Scheme. (Article 4(c); consequential restrictions on payments under the 1973 Scheme for those who have made an election are made in Article 3(a), (b) and (c) of this Order). It is further provided in this Order that the number of weeks in respect of which benefit is payable to persons to whom the new right of election is given shall be 260 weeks less the number of weeks (if any) in respect of which they are eligible for benefit solely under the 1973 Scheme (Article 4(e)).

(iii) Under Article 6 of both Schemes basic benefit is reduced by the amount of certain social security and other benefits, but not below a minimum of £8.92. For weeks commencing on or after 6th April 1982 this figure is raised to £9.93 (Article 3(d) and Article 4(d) for the 1973 and 1978 Scheme respectively).

(iv) Under Article 11 of both Schemes provision is made for the rounding off to the nearest five pence of payments of weekly benefit. Provision for rounding off to the nearest penny is substituted (Article 3(e) and Article 4(f) respectively).

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