STATUTORY INSTRUMENTS

1985 No. 558

COAL INDUSTRY

The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1985

Laid before the House of Commons in draft
Made - - - - - - 31*st March* 1985
Coming into Operation 1*st April* 1985

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:—

Citation and Commencement

1. This Order may be cited as the Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1985 and shall come into operation on 1st April 1985.

Amendment of 1973 Order

2. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1973(**b**) shall be further varied in the Schedule as follows—

In Article 6, in the proviso to sub-paragraphs (1)(i) and (1)(ii), for the words "6th April 1983" and the figures "£10.84" there shall be substituted respectively the words "6th April 1985" and the figures "£11.81".

Amendment of 1978 Order

3. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1978(**c**) shall be further varied in the Schedule as follows—

In Article 6, in the proviso to the sub-paragraph 1*(a)* and 1*(b)*, for the words "6th April 1983" and the figures "£10.84" there shall be substituted respectively the words "6th April 1985" and the figures "£11.81".

(**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 and by the Coal Industry Act 1983 (c. 60), section 4(2).
(**b**) S.I. 1973/1268; relevant amending instruments are S.I. 1975/545, 1977/524, 1980/434, 1981/482, 1982/407, 1983/506 and 1984/457.
(**c**) S.I. 1978/415; relevant amending instruments are S.I. 1980/434, 1981/482, 1982/407, 1983/506 and 1984/457; the Schemes scheduled to S.I. 1978/415, as amended prior to 1982, are set out in Schedule 3 to S.I. 1981/482.

Amendment of 1984 Order

4. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1984(**a**) shall be further varied in the Schedule as follows—

(a) In Article 1, for the definition of "pre-redundancy earnings" there shall be substituted the following definition—

" "pre-redundancy earnings" means—

(a) in relation to any person employed as a coal industry employee whose relevant date falls on or before 5th April 1985—

(i) where that person had earnings from that employment in not less than 13 weeks of the relevant tax year, his average weekly earnings during that year;

(ii) in any other case, the average weekly earnings which it is calculated that he would have received if he had had earnings from that employment during the whole of the relevant tax year, having such regard as the Secretary of State may consider appropriate to the average weekly earnings of other coal industry employees employed in the same grade by that same employer, during the whole of that year;

(b) in relation to any person employed as a coal industry employee whose relevant date falls on or after 6th April 1985—

(i) where that person had earnings from that employment in not less than 13 weeks of the tax year immediately preceding the relevant tax year, his average weekly earnings during that year or during the relevant tax year, whichever are the greater;

(ii) where that person had earnings from that employment in not less than 13 weeks of the relevant tax year but had such earnings in less than 13 weeks of the tax year immediately preceding the relevant tax year, whichever are the greater of his average weekly earnings during the relevant tax year and the average weekly earnings which it is calculated that he would have received during the tax year immediately preceding the relevant tax year if he had had earnings from that employment during the whole of that year, having such regard as the Secretary of State may consider appropriate to the average weekly earnings of other coal industry employees employed in the same grade by that same employer, during the whole of that year;

(iii) in any other case, the average weekly earnings which it is calculated that he would have received if he had had earnings from that employment during the whole of the tax year immediately preceding the relevant tax year, having such regard as the Secretary of State may consider appropriate to the average weekly earnings of

(**a**) S.I. 1984/457, as amended by S.I. 1984/1889.

other coal industry employees employed in the same grade by that same employer, during the whole of that year;

provided that there shall be left out of account in any calculation of average weekly earnings any contributions paid by the employer towards the cost of transport and any payments made by him in lieu of earnings during any period of involuntary or authorised absence;".

(b) In Article 17(2) the colon after "1950" shall be deleted and there shall be added the following words—

"or would have been entitled to such a pension but for insufficient qualifying service within the meaning of the rules of such a scheme:".

(c) In Appendix 4 for the existing Table there shall be substituted the Table set out in the Schedule to this Order.

D. J. F. Hunt,
Parliamentary Under Secretary
of State,
Department of Energy.

31st March 1985.

SCHEDULE

Appendix 4 Article 5(1)

TABLE OF PRE-REDUNDANCY EARNINGS AND WEEKLY PAYMENTS

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)
Exceeding £ p	but not exceeding £ p	£ p
0.00	115.75	35.00
115.75	116.00	35.09
116.00	116.25	35.23
116.25	116.50	35.37
116.50	116.75	35.51
116.75	117.00	35.65
117.00	117.25	35.79
117.25	117.50	35.93
117.50	117.75	36.08
117.75	118.00	36.22
118.00	118.25	36.36
118.25	118.50	36.50
118.50	118.75	36.64
118.75	119.00	36.78
119.00	119.25	36.92
119.25	119.50	37.06
119.50	119.75	37.21
119.75	120.00	37.35
120.00	120.25	37.49
120.25	120.50	37.63
120.50	120.75	37.77
120.75	121.00	37.91
121.00	121.25	38.05
121.25	121.50	38.19
121.50	121.75	38.34
121.75	122.00	38.48
122.00	122.25	38.62
122.25	122.50	38.76
122.50	122.75	38.90
122.75	123.00	39.04
123.00	123.25	39.18
123.25	123.50	39.32
123.50	123.75	39.47
123.75	124.00	39.61
124.00	124.25	39.75
124.25	124.50	39.89
124.50	124.75	40.03
124.75	125.00	40.17
125.00	125.25	40.31
125.25	125.50	40.45
125.50	125.75	40.60
125.75	126.00	40.74
126.00	126.25	40.88
126.25	126.50	41.02
126.50	126.75	41.16
126.75	127.00	41.30
127.00	127.25	41.44

Appendix 4 (*cont'd*)

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)
Exceeding	but not exceeding	
£ p	£ p	£ p
127.25	127.50	41.58
127.50	127.75	41.73
127.75	128.00	41.87
128.00	128.25	42.01
128.25	128.50	42.15
128.50	128.75	42.29
128.75	129.00	42.43
129.00	129.25	42.57
129.25	129.50	42.71
129.50	129.75	42.86
129.75	130.00	43.00
130.00	130.25	43.14
130.25	130.50	43.28
130.50	130.75	43.42
130.75	131.00	43.56
131.00	131.25	43.70
131.25	131.50	43.84
131.50	131.75	43.99
131.75	132.00	44.13
132.00	132.25	44.27
132.25	132.50	44.41
132.50	132.75	44.55
132.75	133.00	44.69
133.00	133.25	44.83
133.25	133.50	44.97
133.50	133.75	45.12
133.75	134.00	45.26
134.00	134.25	45.40
134.25	134.50	45.54
134.50	134.75	45.68
134.75	135.00	45.82
135.00	135.25	45.96
135.25	135.50	46.10
135.50	135.75	46.25
135.75	136.00	46.39
136.00	136.25	46.53
136.25	136.50	46.67
136.50	136.75	46.81
136.75	137.00	46.95
137.00	137.25	47.09
137.25	137.50	47.23
137.50	137.75	47.38
137.75	138.00	47.52
138.00	138.25	47.66
138.25	138.50	47.80
138.50	138.75	47.94
138.75	139.00	48.08
139.00	139.25	48.22
139.25	139.50	48.36
139.50	139.75	48.51
139.75	140.00	48.65

Appendix 4 (*cont'd*)

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)
Exceeding £ p	but not exceeding £ p	£ p
140.00	140.25	48.79
140.25	140.50	48.93
140.50	140.75	49.07
140.75	141.00	49.21
141.00	141.25	49.35
141.25	141.50	49.49
141.50	141.75	49.64
141.75	142.00	49.78
142.00	142.25	49.92
142.25	142.50	50.06
142.50	142.75	50.20
142.75	143.00	50.34
143.00	143.25	50.48
143.25	143.50	50.62
143.50	143.75	50.77
143.75	144.00	50.91
144.00	144.25	51.05
144.25	144.50	51.19
144.50	144.75	51.33
144.75	145.00	51.47
145.00	145.25	51.61
145.25	145.50	51.75
145.50	145.75	51.90
145.75	146.00	52.04
146.00	146.25	52.18
146.25	146.50	52.32
146.50	146.75	52.46
146.75	147.00	52.60
147.00	147.25	52.74
147.25	147.50	52.88
147.50	147.75	53.03
147.75	148.00	53.17
148.00	148.25	53.31
148.25	148.50	53.45
148.50	148.75	53.59
148.75	149.00	53.73
149.00	149.25	53.87
149.25	149.50	54.02
149.50	149.75	54.16
149.75	150.00	54.30
150.00	150.25	54.44
150.25	150.50	54.58
150.50	150.75	54.72
150.75	151.00	54.86
151.00	151.25	55.00
151.25	151.50	55.15
151.50	151.75	55.29
151.75	152.00	55.43
152.00	152.25	55.57
152.25	152.50	55.71
152.50	152.75	55.85

Appendix 4 (*cont'd*)

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)
Exceeding £ p	but not exceeding £ p	£ p
152.75	153.00	55.99
153.00	153.25	56.13
153.25	153.50	56.28
153.50	153.75	56.42
153.75	154.00	56.56
154.00	154.25	56.70
154.25	154.50	56.84
154.50	154.75	56.98
154.75	155.00	57.12
155.00	155.25	57.26
155.25	155.50	57.41
155.50	155.75	57.55
155.75	156.00	57.69
156.00	156.25	57.83
156.25	156.50	57.97
156.50	156.75	58.11
156.75	157.00	58.25
157.00	157.25	58.39
157.25	157.50	58.54
157.50	157.75	58.68
157.75	158.00	58.82
158.00	158.25	58.96
158.25	158.50	59.10
158.50	158.75	59.24
158.75	159.00	59.38
159.00	159.25	59.52
159.25	159.50	59.67
159.50	159.75	59.81
159.75	160.00	59.95
160.00	AND OVER	60.09

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) Orders 1973, 1978 and 1984. Minor changes are made to the 1973 and 1978 Schemes, which provide benefits for certain employees in the coal and coke industry made redundant before 6th April 1983, to take account of inflation.

The following changes are made to the 1984 scheme, which provides benefits for certain coal and coke industry employees made redundant between 1st April 1984 and 30th March 1986:—

(i) A new definition of "pre-redundancy earnings" in Article 1 of the Scheme (which determine the amount of basic weekly benefit payable under Article 5), is substituted, providing that, where appropriate, "pre-redundancy earnings" shall be the employee's average weekly earnings during the tax years 1983/4 or 1984/5, whichever are the greater;

(ii) A further change is made to Article 17, providing that a break in service prior to 1st January 1979, in respect of which an employee would have been entitled to an incapacity pension under a pension scheme established by the National Coal Board but for insufficient service, shall not break the continuity of his period of employment;

(iii) Finally, it provides for the addition to the Scheme of a new table of basic weekly benefit for those who become redundant on or after 1st April 1985.

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