STATUTORY INSTRUMENTS

1988 No. 1252

COAL INDUSTRY

The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1988

Made - - - -	*18th July 1988*
Coming into force	
All Articles except Article 5(b)(i) and (c)	*30th July 1988*
Article 5(b)(i) and (c)	*2nd October 1988*

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

1. This Order may be cited as the Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1988.

Commencement

2. All the Articles of this Order shall come into force on the twelfth day after the day on which it is made except that Article 5(b)(i) and (c) shall come into force on 2nd October 1988.

Amendments of 1978 Order

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

(a) in Article 1, after the definition of "injury benefit" shall be inserted the following definition:

" 'invalid care allowance' means invalid care allowance under section 37 of the Social Security Act 1975(**c**) ;"

(b) in Article 6, paragraph (2), after the words "excluding an earnings related supplement thereof" in the second place in which they occur shall be inserted the words "and less the weekly rate of any invalid care allowance to which he is entitled";

(c) in Article 8, paragraph (2), for the words "The weekly sum payable under paragraph (1)" shall be substituted the words "A weekly sum payable under paragraph (1) which has not been reduced by virtue of section 5(1) of the Social Security (No. 2) Act 1980(**d**) and which is payable".

(**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 1985 (c.27), section 3(1).
(**b**) S.I. 1978/415; relevant amending instruments are S.I. 1980/1984, 1981/482, 1983/506.
(**c**) 1975 c.14.
(**d**) 1980 c.39; section 5(1) was amended by the Social Security Act 1988 (c.7), section 7.

Amendments of 1983 and 1984 Orders

4. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1983(**a**) and the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1984(**b**) shall be further varied in their Schedules as follows–

(a) in Article 1, after the definition of "industrial disease" shall be inserted the following definition:

" 'invalid care allowance' means invalid care allowance under section 37 of the Social Security Act 1975;"

(b) in Article 9–

(i) at the end of paragraph (1) shall be inserted the words "less the weekly rate of any invalid care allowance to which he is entitled";

(ii) in paragraph (2) for the words "The weekly sum payable under paragraph (1)" shall be substituted the words "A weekly sum payable under paragraph (1) which has not been reduced by virtue of section 5(1) of the Social Security (No. 2) Act 1980 and which is payable".

Amendments of 1986 Order

5. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1986(**c**) shall be further varied in the Schedule as follows–

(a) in Article 1, after the definition of "industrial disease" shall be inserted the following definition:

" 'invalid care allowance' means invalid care allowance under section 37 of the Social Security Act 1975;"

(b) in Article 9–

(i) in paragraph (2), the words "whose relevant date falls on or before 3rd January 1987" shall be deleted;

(ii) after paragraph (2) shall be inserted the following paragraph:

"(3) The weekly sum payable–

(a) in the case of a coal industry employee who qualifies for payments under only one of paragraphs (1) and (2), under the relevant paragraph, or

(b) in the case of a coal industry employee who qualifies for payments under both those paragraphs, under them both combined,

shall be reduced or extinguished, as the case may be, by the weekly rate of any invalid care allowance to which the employee is entitled.";

(iii) the existing paragraph (3) shall be renumbered (4) and in that paragraph for the words from "shall be reduced" to the end shall be substituted the following words:

"shall, if it has not been reduced by virtue of section 5(1) of the Social Security (No. 2) Act 1980, be reduced, further reduced or extinguished, as the case may be, by the amount by which the weekly total of such benefit exceeds £35."

(c) in Article 10, paragraph (5), for the words from the beginning to "in relation to any week in which the employee" shall be substituted the words "Paragraph (4) shall not apply to a coal industry employee in relation to any week in which he".

Michael Spicer
Parliamentary Under Secretary of State,
Department of Energy

18th July 1988

(**a**) S.I. 1983/506, to which there are amendments not relevant to this Order.
(**b**) S.I. 1984/457, to which there are amendments not relevant to this Order.
(**c**) S.I. 1986/625, to which there are amendments not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Redundant Mineworkers and Concessionary Coal Payments Schemes scheduled to the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Orders 1978, 1983, 1984 and 1986.

The 1986 Scheme is amended to extend to persons made redundant after 3rd January 1987 the right to make-up benefits where the person, although unemployed, fails to qualify for unemployment or sickness benefit. The amendment takes account of changes to the qualifying conditions for those benefits made by section 6 of the Social Security Act 1988.

All the Schemes are amended to provide for the weekly payments of unemployment benefit equivalent to be reduced by the weekly rate of any invalid care allowance to which the recipient is entitled. In addition, the reduction in such weekly payments on account of occupational pension payments is disapplied in the case of persons in respect of whom a similar reduction is made by virtue of section 5(1) of the Social Security (No. 2) Act 1980.