STATUTORY INSTRUMENTS

1989 No. 1201

COAL INDUSTRY

The Redundant Mineworkers and Concessionary Coal (Payments Schemes) (Amendment) Order 1989

Made - - - -	*12th July 1989*
Coming into force	*23rd July 1989*

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 1989 and shall come into force on 23rd July 1989.

Amendments of 1978 Order

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

(a) in Article 1 —

(i) for the definition of "invalidity pension" shall be substituted the following definition —

' "invalidity benefit" means the total amount of invalidity pension under section 15 of the Social Security Act 1975(**c**) (including any increases for dependants) and of invalidity allowance under section 16 of that Act;'

(ii) after the definition of "the Staff Superannuation Scheme" shall be inserted the following definition —

' "state retirement pension" means a basic Category A retirement pension under section 28 of the Social Security Act 1975;';

(b) in Article 6, paragraph (2) shall be deleted;

(c) in Article 7 —

(i) for paragraph (2) shall be substituted the following paragraph —

"(2) No weekly payment shall be made under Article 8 of this Scheme to any coal industry employee in respect of any day on which he is employed or self-employed unless —

(a) he earns £2 or less (before any deductions) on that day; or

(**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, 1984/457 and 1988/1252. The Schemes scheduled to S.I. 1978/415, as amended prior to 1982, are set out in Schedule 3 to S.I. 1981/482. (**c**) 1975 c.14.

(b) he is not employed or self-employed for more than 16 hours in the week in question.";

(ii) paragraph (5) shall be deleted;

(d) in Article 8 —

(i) for paragraph (1) shall be substituted the following paragraphs —

"(1) Subject to paragraph (4) below, where in any week a coal industry employee eligible for weekly payments under this Scheme is —

(a) on any day which is not a day of incapacity for work not entitled to unemployment benefit because he has exhausted his entitlement to that benefit or because the day is not a day of unemployment or for either of the reasons specified in paragraph (2) below; or

(b) on any day not entitled to sickness benefit for either of the reasons specified in paragraph (2) below or not entitled to invalidity benefit for either of those reasons or because he has not been entitled to sickness benefit for the required period

the Secretary of State may pay to him for that week such sum as will, together with all the relevant benefits to which he is entitled for the week, equal the total of all the relevant benefits to which he would otherwise have been entitled.

(2) The reasons referred to in paragraph (1) above are that the coal industry employee fails to satisfy the contribution conditions for entitlement to the benefit in question or that he is absent from Great Britain.

(3) In paragraph (1) above "the relevant benefits" means unemployment benefit, sickness benefit, invalidity benefit, severe disablement allowance and invalid care allowance."

(ii) the existing paragraph (2) shall be renumbered (4);

(e) after Article 14B shall be inserted the following Articles —

"**14C.**—(1) Subject to paragraph (3) below, the Secretary of State may pay to a coal industry employee who is eligible for weekly payments under this Scheme in respect of any week of a kind mentioned in paragraph (2) below, and at such time as the Secretary of State considers appropriate, a sum not exceeding that which is required to reimburse the coal industry employee the cost to him of making a Class 3 national insurance contribution.

(2) A week is of a kind referred to in paragraph (1) above if it —

(a) fell in the period which commenced on 3rd January 1988 and expired on 23rd July 1989; or

(b) is a week commencing on or after 23rd July 1989 in which the coal industry employee was entitled to payments under Article 8 of this Scheme

and if in either case it fell in a period in which the coal industry employee had not made or been credited with sufficient national insurance contributions to secure his entitlement to state retirement pension at the rate at which he would have been entitled to receive that pension if he had made or been credited with national insurance contributions for each week falling wholly or partly within the period commencing on 3rd January 1988 and expiring on his attaining the age of 65 or, in the case of a woman, the age of 60.

(3) The Secretary of State shall not make a payment under this Article in respect of any week unless he is satisfied that the contribution in question will be, or has been, paid by or on behalf of the coal industry employee.

14D. The Secretary of State may pay to a coal industry employee the total amount by which the weekly payments to which he would otherwise have been entitled under this Scheme in respect of the weeks falling

wholly or partly within the period which commenced on 3rd January 1988 and expired on 23rd July 1989 were reduced on account of any day in that period on which the coal industry employee was present in Great Britain being a day in respect of which the coal industry employee failed to satisfy the conditions for receipt of unemployment benefit solely by reason of the day not being a day of unemployment."

Amendments of 1983 and 1984 Orders

3. 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 —

(i) for the definition of "invalidity pension" shall be substituted the following definition —

' "invalidity benefit" means the total amount of invalidity pension under section 15 of the Social Security Act 1975 (including any increases for dependants) and of invalidity allowance under section 16 of that Act';

(ii) after the definition of "special hardship allowance" shall be inserted the following definition —

' "state retirement pension" means a basic Category A retirement pension under section 28 of the Social Security Act 1975';

(b) for Article 9 shall be substituted the following Article —

"*Additional weekly benefits payable*

9. Subject as hereinafter provided —

(1) Where in any week a coal industry employee eligible for weekly payments under this Scheme is —

(a) on any day which is not a day of incapacity for work not entitled to unemployment benefit because he has exhausted his entitlement to that benefit or because the day is not a day of unemployment or for either of the reasons specified in paragraph (2) below; or

(b) on any day not entitled to sickness benefit for either of the reasons specified in paragraph (2) below or not entitled to invalidity benefit for either of those reasons or because he has not been entitled to sickness benefit for the required period

the Secretary of State may pay to him for that week such sum as will, together with all the relevant benefits to which he is entitled for the week, equal the total of all the relevant benefits to which he would otherwise have been entitled.

(2) The reasons referred to in paragraph (1) above are that the coal industry employee fails to satisfy the contribution conditions for entitlement to the benefit in question or that he is absent from Great Britain.

(3) In paragraph (1) above "the relevant benefits" means unemployment benefit, sickness benefit, invalidity benefit, severe disablement allowance and invalid care allowance.

(4) In the case of a coal industry employee who is in receipt of any benefit within Article 10(1)(a) or (b) but to whom weekly payments are not excluded by Article 10(1), any weekly sum payable under paragraph (1) above shall, if it has not been reduced by virtue of section 5(1) of the Social Security (No. 2) Act 1980(**c**) be 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 —

(**a**) S.I. 1983/506; relevant amending instruments are S.I. 1984/457, 1984/1889 and 1988/1252. (**b**) S.I. 1984/457; relevant amending instruments are S.I. 1984/1889 and 1988/1252. (**c**) 1980 c.39; section 5(1) was amended by the Social Security Act 1988 (c.7), section 7.

(i) for paragraph (2) shall be substituted the following paragraph —

"(2) No weekly payment shall be made under Article 9 of this Scheme to any coal industry employee in respect of any day on which he is employed or self-employed unless —

(a) he earns £2 or less (before any deductions) on that day; or

(b) he is not employed or self-employed for more than 16 hours in the week in question.";

(ii) paragraphs 5 and 6 shall be deleted;

(d) after Article 17 shall be inserted the following Articles —

"**17A.**—(1) Subject to paragraph (3) below, the Secretary of State may pay to a coal industry employee who is eligible for weekly payments under this Scheme in respect of any week of a kind mentioned in paragraph (2) below, and at such time as the Secretary of State considers appropriate, a sum not exceeding that which is required to reimburse the coal industry employee the cost to him of making a Class 3 national insurance contribution.

(2) A week is of a kind referred to in paragraph (1) if it —

(a) fell in the period which commenced on 3rd January 1988 and expired on 23rd July 1989; or

(b) is a week commencing on or after 23rd July 1989 in which the coal industry employee was entitled to payments under Article 9 of this Scheme

and if in either case it fell in a period in which the coal industry employee had not made or been credited with sufficient national insurance contributions to secure his entitlement to state retirement pension at the rate at which he would have been entitled to receive that pension if he had made or been credited with national insurance contributions for each week falling wholly or partly within the period commencing on 3rd January 1988 and expiring on his attaining the age of 65 or, in the case of a woman, the age of 60.

(3) The Secretary of State shall not make a payment under this Article in respect of any week unless he is satisfied that the contribution in question will be, or has been, paid by or on behalf of the coal industry employee.

17B. The Secretary of State may pay to a coal industry employee the total amount by which the weekly payments to which he would otherwise have been entitled under this Scheme in respect of the weeks falling wholly or partly within the period which commenced on 3rd January 1988 and expired on 23rd July 1989 were reduced on account of any day in that period on which the coal industry employee was present in Great Britain being a day in respect of which the coal industry employee failed to satisfy the conditions for receipt of unemployment benefit solely by reason of the day not being a day of unemployment."

Amendments of 1986 Order

4. The Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1986(a) shall be further varied in the Schedule as follows —

(a) in Article 1 —

(i) for the definition of "invalidity pension" shall be substituted the following definition —

' "invalidity benefit" means the total amount of invalidity pension under section 15 of the Social Security Act 1975 (including any increases for dependants) and of invalidity allowance under section 16 of that Act;'

(a) S.I. 1986/625; the relevant amending instrument is S.I. 1988/1252.

(ii) after the definition of "standard weekly rate" shall be inserted the following definition —

' "state retirement pension" means a basic Category A retirement pension under section 28 of the Social Security Act 1975;';

(b) for Article 9 shall be substituted the following Article —

"*Additional weekly benefits payable*

9. Subject as hereinafter provided —

(1) Where in any week a coal industry employee eligible for weekly payments under this Scheme is —

(a) on any day which is not a day of incapacity for work not entitled to unemployment benefit because he has exhausted his entitlement to that benefit or because the day is not a day of unemployment or for either of the reasons specified in paragraph (2) below; or

(b) on any day not entitled to sickness benefit for either of the reasons specified in paragraph (2) below or not entitled to invalidity benefit for either of those reasons or because he has not been entitled to sickness benefit for the required period

the Secretary of State may pay to him for that week such sum as will, together with all the relevant benefits to which he is entitled for the week, equal the total of all the relevant benefits to which he would otherwise have been entitled.

(2) The reasons referred to in paragraph (1) above are that the coal industry employee fails to satisfy the contribution conditions for entitlement to the benefit in question or that he is absent from Great Britain.

(3) In paragraph (1) above "the relevant benefits" means unemployment benefit, sickness benefit, invalidity benefit, severe disablement allowance and invalid care allowance.

(4) In the case of a coal industry employee who is in receipt of any benefit within Article 10(1)(a) or (b) but to whom weekly payments are not excluded by Article 10(1), any weekly sum payable under paragraph (1) above shall, if it has not been reduced by virtue of section 5(1) of the Social Security (No. 2) Act 1980, be 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 —

(i) for paragraph (4) shall be substituted the following paragraph —

"(4) No weekly payment shall be made under Article 9 of this Scheme to any coal industry employee in respect of any day on which he is employed or self-employed unless —

(a) he earns £2 or less (before any deductions) on that day; or

(b) he is not employed or self-employed for more than 16 hours in the week in question.";

(ii) paragraphs (5) and (6) shall be deleted;

(d) for Article 18, shall be substituted the following Articles —

"**18**.—(1) Subject to paragraph (3) below, the Secretary of State may pay to a coal industry employee who is eligible for weekly payments under this Scheme in respect of any week of a kind mentioned in paragraph (2) below, and at such time as the Secretary of State considers appropriate, a sum not exceeding that which is required to reimburse the coal industry employee the cost to him of making a Class 3 national insurance contribution.

(2) A week is of a kind referred to in paragraph (1) above if it —

(a) fell in the period which commenced on 3rd January 1988 and expired on 23rd July 1989; or

(b) is a week commencing on or after 23rd July 1989 in which the coal industry employee was entitled to payments under Article 9 of this Scheme

and if in either case it fell in a period in which the coal industry employee had not made or been credited with sufficient national insurance contributions to secure his entitlement to state retirement pension at the rate at which he would have been entitled to receive that pension if he had made or been credited with national insurance contributions for each week falling wholly or partly within the period commencing on 3rd January 1988 and expiring on his attaining the age of 65 or, in the case of a woman, the age of 60.

(3) The Secretary of State shall not make a payment under this Article in respect of any week unless he is satisfied that the contribution in question will be, or has been, paid by or on behalf of the coal industry employee.

18A. The Secretary of State may pay to a coal industry employee the total amount by which the weekly payments to which he would otherwise have been entitled under this Scheme in respect of the weeks falling wholly or partly within the period which commenced on 3rd January 1988 and expired on 23rd July 1989 were reduced on account of any day in that period on which the coal industry employee was present in Great Britain being a day in respect of which the coal industry employee failed to satisfy the conditions for receipt of unemployment benefit solely by reason of the day not being a day of unemployment."

Michael Spicer
Parliamentary Under Secretary of State,
Department of Energy

12th July 1989

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes the following amendments to the Redundant Mineworkers and Concessionary Coal Payments Schemes scheduled to the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Orders 1978, 1983, 1984 and 1986 —

(i) provision is made for the payment to persons eligible for weekly payments under the Schemes who are not entitled to sickness benefit or invalidity benefit for certain specified reasons of a weekly sum which is equal to the total of the social security benefits lost;

(ii) the prohibitions on the making of weekly payments are simplified, in particular the requirement for persons to satisfy the conditions for receipt of unemployment or certain other social security benefits is removed;

(iii) provision is made for a lump sum payment to cover any weekly benefits lost during the period from 3rd January 1988 to the coming into force of the Order on account of a failure to qualify for unemployment benefit;

(iv) provision is made for the payment to persons eligible for weekly payments under the Schemes of the cost of voluntary (Class 3) national insurance contributions which are required to maintain the recipient's entitlement to basic state retirement pension.

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