STATUTORY INSTRUMENTS

1983 No. 506

COAL INDUSTRY

The Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1983

Approved by the House of Commons

Laid before the House of Commons in draft

Made - - - - 30*th March* 1983

Coming into Operation 6*th April* 1983

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) Order 1983 and shall come into operation on 6th April 1983.

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—

(a) in Article 1, after the definition of "the Schemes of 1978" there shall be inserted the following definition—

> "the Schemes of 1983" means the Redundant Mineworkers and Concessionary Coal Payments Schemes, set out in the Schedule to the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1983";

(b) in Article 2, after the words "Schemes of 1978" there shall be inserted the words "or Article 6 of the Schemes of 1983";

(c) in Article 5(8), for the words "the Housing Finance Act 1972 or the Housing (Financial Provisions) (Scotland) Act 1972" there shall be substituted the words "the Social Security and Housing Benefits Act 1982(**c**)";

(d) in Article 6, in the proviso to sub-paragraphs (1)(i) and (1)(ii), for the

(**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. 1975/545, 1977/524, 1980/434, 1981/482, 1982/407.

(**c**) 1982 c. 24.

words "6th April 1982" and the figures "£9.93" there shall be substituted respectively the words "6th April 1983" and the figures "£10.84".

Amendment of 1978 Order

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

(a) in Article 1, after the definition of "the Schemes of 1973" there shall be inserted the following definition—

"'the Schemes of 1983" means the Redundant Mineworkers and Concessionary Coal Payments Schemes, set out in the Schedule to the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1983";

(b) in Article 2(1) and (2), after the word "shall" there shall be inserted the words "unless he has made an election under Article 6 of the Schemes of 1983 and";

(c) in Article 2(2)*(b)*, for the words "1st April 1984" there shall be substituted the words "6th April 1983";

(d) in Article 3*(b)*, for the words "1st April 1984" there shall be substituted the words "6th April 1983";

(e) in Article 5(8), for the words "the Housing Finance Act 1972 or the Housing (Financial Provisions) (Scotland) Act 1972" there shall be substituted the words "the Social Security and Housing Benefits Act 1982";

(f) in Article 6, in the proviso to sub-paragraph (1)*(a)* and (1)*(b)*, for the words "6th April 1982" and the figures "£9.93" there shall be substituted respectively the words "6th April 1983" and the figures "£10.84";

(g) in Article 8(2), for the figure "£12" there shall be substituted the figure "£14";

(h) in Article 14A(1)*(a)*, Article 14B(1)*(a)* and in sub-paragraph (ii) of the proviso to Article 15(3), for the words "1st April 1984" there shall be substituted the words "6th April 1983".

Application of the Schemes

4. The Schemes set out in the Schedule to this Order shall have effect in relation to the classes of persons prescribed therein.

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

30th March 1983.

(**a**) S.I. 1978/415; relevant amending instruments are S.I. 1980/434, 1981/482, 1982/407; the Schemes scheduled to S.I. 1978/415, as amended prior to 1982, are set out in Schedule 3 to the S.I. 1981/482.

Article 4 THE SCHEDULE

THE REDUNDANT MINEWORKERS AND CONCESSIONARY COAL PAYMENTS SCHEMES 1983

Definitions

1. In this Schedule, unless the context otherwise requires:—

"the Act" means the Coal Industry Act 1977(**a**);

"the basic benefit" means the total amount payable under Article 5;

"the Board" means the National Coal Board;

"coal industry employee" has the meaning assigned thereto in Article 2;

"coal industry employer" in relation to a coal industry employee 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;

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

"concessionary coal" has the meaning assigned thereto in section 7(8) of the Act;

"disablement pension" means disablement pension under section 57 of the Social Security Act 1975(**b**);

"the former Schemes" means the Redundant Mineworkers Payments Schemes set out in the Schedules to the Redundant Mineworkers (Payments Scheme) Order 1968(**c**), the Redundant Mineworkers (Payments Scheme) Order 1972(**d**), the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1973(**e**), and the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1978(**f**);

"house" has the same meaning as in section 58(1) of the Housing (Financial Provisions) Act 1958(**g**);

"industrial accident" means any accident arising out of or in the course of employment;

"industrial disease" means any disease or personal injury for the time being prescribed under section 76 of the Social Security Act 1975;

"invalidity pension"means invalidity pension under section 15 of the Social Security Act 1975;

"Mineworkers' Pension Scheme" means the Mineworkers' Pension Scheme established by the Board under powers conferred by the Coal Industry Nationalisation (Superannuation) Regulations 1950(**h**);

(**a**) 1977 c. 39.
(**b**) 1975 c. 14.
(**c**) S.I. 1968/987; as amended by S.I. 1971/553, 1972/335, 1973/1268.
(**d**) S.I. 1972/335; as amended by S.I. 1973/1268, 1976/495.
(**e**) S.I. 1973/1268; relevant amending instruments are S.I. 1975/545, 1977/524, 1980/434, 1981/482, 1982/407.
(**f**) S.I. 1978/415; relevant amending instruments are S.I. 1980/434, 1981/482, 1982/407.
(**g**) 1958 c. 42.
(**h**) S.I. 1950/376.

"National Coal Board Industrial Death and Retirement Scheme" means the National Coal Board Industrial Death and Retirement Scheme established by the Board pursuant to a resolution dated 6th March 1970;

"pre-redundancy earnings" means—

(a) in relation to any person employed as a coal industry employee during the relevant tax year who had earnings from that employment in not less than 13 weeks of that year, that person's average weekly earnings during that year;

(b) in relation to any other person, the average weekly earnings which it is calculated that he would have received if he had been employed as a coal industry employee 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,

there being 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;

"prescribed place" means a place of a class specified in Appendix 1;

"redundant person" has the meaning assigned thereto in Article 4;

"relevant date" has the same meaning as in section 90(1) of the Employment Protection (Consolidation) Act 1978(**a**);

"the relevant tax year" means the last complete income tax year before the relevant date;

"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;

"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;

"sickness benefit" means sickness benefit under section 14 of the Social Security Act 1975;

"self-employed" means a self employed earner for the purposes of section 2(1)*(b)* of the Social Security Act 1975;

"small mine licensee" means any individual working coal by virtue of the grant of a gale in the Forest of Dean or in any other part of the Hundred of St. Briavels and any person or body of persons for the time being engaged in coal mining activities by virtue of a licence granted by the Board under section 36(2)*(a)* of the Coal Industry Nationalisation Act 1946(**b**);

"special hardship allowance" means an increase of disablement pension under section 60 of the Social Security Act 1975;

"subsidiary" shall be construed in accordance with section 154 of the Companies Act 1948(**c**);

(**a**) 1978 c. 44.
(**b**) 1946 c. 59.
(**c**) 1948 c. 38.

"supplementary allowance" means supplementary allowance under section 1 of the Supplementary Benefits Act 1976(a);

"supplementary pension" means supplementary pension under section 1 of the Supplementary Benefits Act 1976;

"unemployment benefit" means unemployment benefit under section 14 of the Social Security Act 1975;

"week" means a period of seven days beginning with midnight between Saturday and Sunday;

"workmen's employee" means any person who is employed at a coal mine or a prescribed place being a person remunerated out of moneys provided by deductions from the wages of or contributions by employees of a coal industry employer;

"year" means a period of twelve calendar months, but, where that meaning would prevent a coal industry employee from being eligible for payments under this Scheme for which he would have been eligible under the Schemes of 1978 had his relevant date fallen on 5th April 1983, "year" shall mean a period of 52 weeks;

and references to any scheme shall be construed as references to the same as amended up to the date on which this Order was made.

PART 1

THE REDUNDANT MINEWORKERS PAYMENTS SCHEME

Eligibility for payments

2.—(1) Any person who is or was on the relevant date employed at a coal mine or a prescribed place within Part 1 of Appendix 1 being either—

(a) a person so employed by the Board, by one of their subsidiaries, or by a small mine licensee—

(i) in a grade which renders him eligible for membership of the Mineworkers' Pension Scheme; or

(ii) in a grade which is specified in Appendix 2; or

(b) a person so employed as a workmen's employee,

shall, subject as hereinafter provided, and provided he is not eligible for payments under any of the former Schemes, be eligible for weekly payments under this Scheme; such a person is hereafter referred to as a "coal industry employee".

(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, 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

(a) 1976 c. 71.

(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,

shall, subject as hereinafter provided, and provided that he is not eligible for payments under any of the former Schemes, be eligible for weekly payments under this Scheme and is also hereinafter referred to as a "coal industry employee".

Age and redundancy requirements

3. A coal industry employee shall not be eligible for weekly payments under this Scheme unless—

(a) he is a redundant person and, in the case of an employee employed at a prescribed place, became a redundant person by reason of the cessation or reduction of the services or facilities at that place, being services or facilities ancillary to one or more coal mines or coking plants, in consequence of the closure of one or more of such mines or plants or the reduction in the number of persons employed thereat;

(b) when he became a redundant person the relevant date fell on or after 6th April 1983 and before 1st April 1984; and

(c) on the relevant date he had attained the age of 50 and had not attained the age of 65 in the case of a man or 60 in the case of a woman.

Requirements of a redundant person

4.—(1) A coal industry employee shall be a redundant person within the meaning of this Scheme if he has completed a total period of not less than 10 years' employment with one or more coal industry employers, and in consequence of his dismissal on the relevant date by a coal industry employer, he either—

(a) becomes entitled to receive a redundancy payment under Part VI of the Employment Protection (Consolidation) Act 1978 from that employer; or

(b) would have become entitled to receive such a payment were it not that he had not been continuously employed by one coal industry employer for a period of two years ending with the relevant date, if he had either—

(i) during such period of two years left the employment of a coal industry employer and not later than one week after leaving such employment entered into employment with that or any other coal industry employer; or

(ii) become entitled previously to receive such a payment from a coal industry employer and had entered into employment with that or any other coal industry employer not later than one year after becoming so entitled.

(2) Appendix 3 hereof and not Schedule 13 to the Employment Protection (Consolidation) Act 1978 (which provides for the calculation of periods of

employment) shall apply for the purposes of paragraph (1) of this Article, for ascertaining the length of a coal industry employee's period of employment, and whether or not the period of two years ending with the relevant date has been continuous.

Basic benefit payable-

5. Subject as hereinafter provided

(1) The Secretary of State may pay to a coal industry employee eligible for weekly payments under this Scheme, who on the relevant date had attained the age of 55, the weekly sum specified in column 2 of Appendix 4 opposite the amounts specified in column 1 thereof appropriate to the amount of that employee's pre-redundancy earnings.

(2) After each period during which the weekly sum payable under paragraph (1) has been paid to a coal industry employee for 52 weeks, that sum may be supplemented or further supplemented (as the case may be), in respect of any subsequent week during which the coal industry employee remains eligible for payments under the provisions of this Scheme, by such additional weekly sum as the Secretary of State may think appropriate to take account of changes in the cost of living during the period of 12 months ending on the 6th April which immediately precedes the expiry of that period of 52 weeks.

(3) Where a coal industry employee eligible for payments under this Scheme is re-employed by a coal industry employer and then ceases to be so employed the Secretary of State in assessing the supplements under paragraph (2) may take account of changes in the cost of living during his period of re-employment by a coal industry employer as well as the changes in the cost of living during a period specified in that paragraph: Provided that this paragraph does not apply to such an employee who is so employed for a period of not less than one year and makes an election under Article 6.

(4) Where a coal industry employee was on the relevant date occupying a house as a tenant of or under a licence from the Board and, in consequence of his having ceased to be in their employment, the Board—

(a) in the case of an employee who immediately before such relevant date was not making any payment to them in respect of his occupation of that house, charge that employee any weekly payment in respect of his occupation of that house or any other house; or

(b) in the case of an employee who immediately before such relevant date was making a payment to them in respect of his occupation of that house, increase the weekly amount payable in respect of his occupation of that house or any other house,

then, provided that such employee is a person to whom benefit is payable under paragraph (1), or under Article 6, the Secretary of State may pay to him in addition to any sums payable under this Article either—

(i) a weekly sum equal to the weekly amount of such payment or weekly increase of such payment as the case may be; or

(ii) the weekly sum of £1.50,

whichever shall be the less.

(5) A coal industry employee shall remain eligible for payments under paragraph (4) notwithstanding the sale of the house in respect of which the weekly sum is payable or his having moved to another house.

(6) Paragraph (4) shall not apply to any coal industry employee who receives any rent rebate or allowance under the Social Security and Housing Benefits Act 1982(a).

Transfers from earlier Schemes

6.—(1) Notwithstanding anything in the foregoing provisions of this Scheme, a coal industry employee—

(a) to whom weekly benefit would be payable under Article 5(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; and

(d) whose date of cessation of the period of employment referred to in sub-paragraph *(b)* is on or after 6th April 1983,

shall be eligible for payments under this Scheme: 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 who would be within paragraph (1) except that his relevant date fell on or after 25th March 1978, 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 7: 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 or the Schemes of 1978 in respect of the same week.

(3) Where a person referred to in paragraph (2) makes an election under that paragraph, the Secretary of State in assessing the supplements under Article 5(2) may take account of changes in the cost of living during the period of 12 months ending on the 6th April which immediately precedes the expiry of each period of 52 weeks referred to in Article 5(2).

Adjustment of the basic benefit

7. If in any week in respect of which the basic benefit is payable to any coal

(a) 1982 c. 24.

industry employee he is entitled to receive any of the payments specified under heads (i), (ii), (iii), (iv) or (v) of this Article the basic benefit shall be reduced by making the deduction specified below in relation to that head—

(a) in respect of—

(i) special hardship allowance in respect of an industrial accident sustained or an industrial disease developed before the relevant date;

(ii) supplementary disablement pension under the National Coal Board Industrial Death and Retirement Scheme;

by the amount of any such benefits which such employee becomes entitled to receive taking into account any increases or decreases thereof (but ignoring any general increases in such benefits) after the last week before the relevant date in which such employee is not entitled to sickness benefit or invalidity pension;

(b) in respect of—

(iii) workmen's compensation under the Workmen's Compensation Acts 1925 to 1945, the enactments repealed by the Workmen's Compensation Act 1925(**a**), or under any contracting-out scheme duly certified under any of those Acts;

(iv) benefit under the Workmen's Compensation (Supplementation) Scheme 1966(**b**);

(v) benefit under the Scheme established by the Board pursuant to a resolution dated 2nd July 1948 for providing benefits to persons in receipt of workmen's compensation or in receipt of benefits under the Pneumoconiosis (Benefit) Scheme 1943(**c**);

by the amount of any such benefits which such employee becomes entitled to receive taking into account any increases or decreases thereof (but ignoring any general increases in such benefits or any individual variation thereof resulting from a change of category from partial to total, or from lesser to major, incapacity, as the case may be) after the last week before the relevant date in which such employee is not entitled to sickness benefit or invalidity pension;

Provided that the foregoing deductions shall not operate so as to reduce the amount payable in any week to less than £35; and if in any week in respect of which the basic benefit is payable to any coal industry employee he is entitled to receive any of the payments specified under heads (vi) or (vii) of this Article, the basic benefit already reduced by the foregoing provisions of this Article shall be further reduced or extinguished by making the deduction specified below in relation to that head—

(c) in respect of—

(vi) supplementary allowance or supplementary pension in excess of the amount which the Secretary of State determines would have been paid had the payments under this scheme been made before the amount of the supplementary allowance or supplementary pension was determined;

(vii) pension benefits, other than widows' benefits and benefits wholly in respect of employment with a person other than a coking plant

(**a**) 1925 c. 84.
(**b**) S.I. 1966/165.
(**c**) S.R. & O. 1943/886.

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 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);

by the amount of such benefits which such employee becomes entitled to receive after the relevant date.

Pension supplement

8. Subject as is hereinafter provided, where a coal industry employee is:

(1) eligible for weekly payments under this Scheme but, by virtue of Article 11(2), or because on the relevant date he had not attained the age of 55, no weekly payment under Article 5 is payable to him; and

(2) in receipt of a weekly total of any benefit within Article 10(1)*(a)* or *(b)* and any benefit under head (vii) of Article 7 of less than £35,

the Secretary of State may pay to him such weekly sum as will with that weekly total amount to £35.

Additional weekly benefits payable

9. Subject as is hereinafter provided—

(1) Where a coal industry employee eligible for weekly payments under this Scheme has been entitled to receive unemployment benefit and his right to that benefit has become exhausted, so long as he remains unemployed the Secretary of State may pay to him a weekly sum equal to the weekly rate of unemployment benefit which he would have been entitled to receive but for such exhaustion.

(2) The weekly sum payable under paragraph (1) to 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), shall be reduced or extinguished, as the case may be, by the amount by which the weekly total of such benefit exceeds £35.

Limitation of benefits

10.—(1) In the case of a coal industry employee within Articles 5(1) or 6(2)-

(a) who receives any benefit, other than widows' benefit, paid before the normal retiring age under any scheme established or continued by the Board under the Coal Industry Nationalisation (Superannuation) Regulations 1950;

(b) who, being at the relevant date employed by a coking plant operator, receives any benefit, other than widows' benefit and benefit wholly in respect of employment with a person other than a coking plant operator, under any occupational pension scheme,

no weekly payment under Article 5 shall be made to that employee; and no other weekly payment under this Scheme shall be made:

(i) to such a coal industry employee within Article 5(1) during a period of 260 weeks commencing next after the relevant date;

(ii) to such a coal industry employee within Article 6(2) during such period less the number of weeks (if any) in respect of which he was eligible for basic benefit solely under Article 5 of the Schemes of 1973 or of the Schemes of 1978.

(2) Subject to paragraphs (4) and (5), no weekly payment shall be made under this Scheme to any coal industry employee in respect of any day in any week unless in respect of such day that employee satisfies the conditions for receipt of unemployment benefit, sickness benefit or invalidity pension, or would satisfy those conditions but for—

(a) the provisions of regulations made under section 85 of the Social Security Act 1975 (overlapping benefits); or

(b) the fact that his right to that benefit is exhausted; or

(c) (in the case of unemployment benefit only) the fact that he was employed or self-employed for not more than 16 hours in that week; or

(d) being a married woman or widow and having elected to pay primary class 1 contributions at the reduced rate in accordance with section 5(2) of the Social Security Act 1975; or

(e) (in the case of unemployment benefit only) being self-employed for a period after the relevant date,

and for the purposes of this paragraph, payments in respect of any day shall be one sixth of the appropriate weekly rate.

(3) No weekly payments shall be made under this Scheme in respect of any week in which a coal industry employee is in the employment of a coal industry employer.

(4) In respect of any week during which a coal industry employee is self-employed or in the employment of a person other than a coal industry employer the weekly payment to him under this scheme shall not exceed—

(a) the basic benefit adjusted if appropriate in accordance with Article 7; or

(b) the sum of £20,

whichever shall be the less.

(5) Paragraph (2) shall not apply to any coal industry employee who resides outside Great Britain, and who, the Secretary of State considers:

(a) having regard to sub-paragraphs *(a)* to *(e)* of that paragraph, has satisfied in respect of any day in any week the conditions for receipt of benefits corresponding to unemployment benefit, sickness benefit or invalidity pension in the country in which that employee resides; or

(b) apart from the fact that the employee is absent from Great Britain has satisfied, or would but for any of sub-paragraphs *(a)* to *(e)* of paragraph (2) have satisfied, in respect of any day in any week, the conditions for receipt of unemployment benefit, sickness benefit or invalidity pension.

Duration of benefits

11.—(1) Subject to the following paragraphs of this Article, weekly payments under this Scheme shall first become payable to a coal industry employee in respect of the week commencing next after the relevant date

applicable but shall not be payable to any coal industry employee in respect of any week falling after—

(a) the attainment by such employee of the age of 65 in the case of a man or 60 in the case of a woman; or

(b) 3rd April 1999,

whichever shall first occur.

(2) *(a)* No weekly payments under Article 5 of this Scheme shall be payable to a coal industry employee in respect of an aggregate of more than 260 weeks.

(b) No weekly payments under Article 5 of this Scheme shall be payable to a person within Article 6(2) 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 such benefit solely under Article 5 of the Schemes of 1973 or of the Schemes of 1978.

(3) Any week in which a coal industry employee is in the employment of a coal industry employer shall not be taken into account in calculating the period of 260 weeks referred to in paragraph (2) nor the period of 52 weeks referred to in Article 5(2).

(4) Any day or week in respect of which a coal industry employee is disqualified under Article 10(2) from receiving weekly payments under this Scheme shall be taken into account in calculating such period of 260 weeks.

Meaning of Employment in Articles 10 and 11

12. For the purposes of Article 10(3) and (4) and Article 11, employment or self-employment in any week for not more than 16 hours shall not be regarded as employment or self-employment as the case may be.

Rounding-off of benefits.

13. 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.

Time of payment of benefits

14. Weekly payments to a coal industry employee under this Scheme may be paid in arrear and at intervals of not more than 6 weeks.

Claims for weekly payments

15.—(1) Subject to paragraph (2), it shall be a condition of the making of weekly payments under this Scheme to any coal industry employee that a claim for those payments shall be submitted to the Secretary of State not later than 26 weeks after the relevant date.

(2) In any case in which the Secretary of State is satisfied that there is

reasonable ground for failing to make a claim within such period as aforesaid he may, from time to time, extend the period within which a claim may be made under paragraph (1) on application being made to him in that behalf notwithstanding that such period has expired.

Lump Sum Payments

16.—(1) The Secretary of State may pay to any coal industry employee who—

(a) subject to sub-paragraph *(b)*, satisfies the conditions contained in paragraph *(a)* and *(b)* of Article 3; and

(b) on the relevant date had attained the age of 21 but had not attained the age of 55 or who, having attained the age of 55, had not attained the age of 65 in the case of a man or 60 in the case of a woman and has completed a total period of less than 10 years' coal industry employment; and

(c) satisfies the conditions contained in either paragraph *(a)* or *(b)* of Article 4(1),

a sum representing the percentage of a week's pay specified in Appendix 5 in relation to his age at the relevant date for each completed year of his total period of coal industry employment (determined in accordance with Article 4(2)).

(2) No payment shall be made under this Article—

(a) in respect of more than 34 years' employment in the aggregate; or

(b) in respect of any completed year of employment for which payment has been made under this Article or under any of the former Schemes; or

(c) for any completed year in respect of which payment has been made under either of two agreements dated 5th June 1973 and 14th March 1978 made between the Board and the National Union of Mineworkers as amended from time to time, providing for redundancy payments in the Coke and By-Products Industry.

(3) The sum payable under paragraph (1) to a coal industry employee who on the relevant date had attained the age of 64 in the case of a man, or 59 in the case of a woman, shall be reduced by one-twelfth in respect of each whole month by which such employee exceeds the said age.

(4) For the purposes of this Article, paragraphs 1 to 5 inclusive and paragraph 11 of Schedule 14 to the Employment Protection (Consolidation) Act 1978 shall apply for the calculation of the amount of a week's pay of a coal industry employee, but—

(a) notwithstanding anything in those paragraphs, in calculating the average number of weekly hours or arriving at the average hourly rate of remuneration for the purposes of paragraphs 3 and 4 of that Schedule, only weeks during which the coal industry employee was in coal industry employment shall be brought in, and any period of twelve weeks mentioned in paragraphs 3 and 4 shall be determined accordingly;

(b) if notice of termination of employment is required to be given to him under section 49 of the Employment Protection (Consolidation) Act 1978 the "calculation date" referred to in paragraphs 1 to 5 and paragraph 11

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

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

(5) For the purposes of this Article and Article 17 "coal industry employment" means employment with one or more coal industry employers.

17.—(1) The Secretary of State may pay to any coal industry employee who—

(a) satisfies, or would satisfy apart from any requirement of not less than 10 years' coal industry employment, the conditions contained in paragraph *(a)* and *(b)* of Article 3; and

(b) on the relevant date had attained the age of 21 but had not attained the age of 60; and

(c) satisfies the conditions contained in either paragraph *(a)* or *(b)* of Article 4(1),

such sum as—

(i) is specified (where that is the case) in column 3 of Appendix 6 in relation to his age at the relevant date; or

(ii) represents the percentage, specified (where that is the case) in column 2 of Appendix 6 in relation to his age at the relevant date, of the "defined sum" under paragraph (2).

(2) The "defined sum" is the sum which would be payable to the employee under section 81 of the Employment Protection (Consolidation) Act 1978, except that any period of more than twenty-six weeks during which the employee was in receipt of an incapacity pension under a scheme established or continued by the Board under the Coal Industry Nationalisation (Superannuation) Regulations 1950:

(a) shall not break the continuity of his period of employment;

(b) shall not count in computing the length of that period.

(3) Payment under paragraph (1) may be made to any coal industry employee who satisfies its provisions in addition to any payment made to him under Article 16 and whether or not he is eligible to receive payments under Article 5.

PART 2

THE CONCESSIONARY COAL PAYMENTS SCHEME

Concessionary Coal

18.—(1) The Secretary of State may pay to the Board a proportion of the costs incurred by the Board on or after 6th April 1983 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), the proportion being—

(i) where the person in relation to whom the costs were incurred was aged 50 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.

(3) The persons referred to in paragraphs (1) and (2) are—

(a) any person who satisfies the conditions in paragraph (1) of Article 2 and who is eligible for weekly payments under the Scheme contained in Part 1 of this Schedule;

(b) any other employee of the Board or of any of their subsidiaries whose standard conditions of employment are embodied in the statement of standard conditions of employment of non-industrial staff prepared by the Board or by that subsidiary in pursuance of section 1 of the Employment Protection (Consolidation) Act 1978 or any earlier enactment imposing a similar obligation, who on the relevant date was employed at a coal mine or at a prescribed place; and

(c) any person who satisfies the conditions in Article 2(2) and is eligible for weekly payments under the Scheme contained in Part 1 of this Schedule,

provided that in the case of each such employee or person either he was a person referred to in paragraph (2) of Article 6 and made an election under that paragraph or:

(i) he became redundant for the reasons contained in Article 3*(a)*; and

(ii) when he became a redundant person the relevant date fell between 6th April 1983 and 1st April 1984; and

(iii) on the relevant date he had attained the age of 50 and had not attained the age of 65; and

(iv) he is not a person to whom the arrangements referred to in paragraph 1(1)(viii) of Schedule 2 to the Act apply.

(4) The amount of any such payments under this Scheme shall be determined in such a manner as may be agreed between the Secretary of State and the Board with the approval of the Treasury and shall be certified by the Board's auditors.

Appendix 1

PRESCRIBED PLACES Article 1

PART 1

Prescribed Places Ancillary to Coal Mines

Area offices and establishments
Ambulance stations
Civil engineering depots
Coal depots
Coal laboratories
Coal preparation plants
Coal stocking grounds
Electricity distribution installations
Estate and house maintenance depots
Generating plants
Granaries (for foodstuffs for pit ponies)
Headquarters—controlled offices and establishments
Medical centres
Mineral processing plants
Pumping stations
Railway sidings and other places associated with the operation of railways
Regional offices and establishments
Rescue stations
Road transport depots
Shipping staithes and wharves
Stone and dust disposal and treatment plants
Timber impregnation plants
Training centres
Waterworks
Workshops, stores, and plant pool depots.

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.

Appendix 2

Article 2(1)*(a)*(ii)

GRADES OF EMPLOYMENT OR CAPACITIES IN WHICH A COAL INDUSTRY EMPLOYEE IS ELIGIBLE FOR PAYMENTS UNDER THE SCHEME CONTAINED IN PART 1 OF THIS SCHEDULE

1. Any grade of official to whom the First Schedule of an agreement dated 26th March 1971 (made between the Board of the one part and the National Association of Colliery Overmen, Deputies and Shotfirers of the other part) applies.

2. Any grade of weekly paid industrial staff to whom Schedule 1 or Schedule 4 of an agreement dated 1st May 1968 (made between the Board of the one part and the National Association of Colliery Overmen, Deputies and Shotfirers and the National Union of Mineworkers of the other part) applies.

3. Foreman other than a grade of Foreman under the agreement referred to in paragraph 2.

4. Canteen Manager.

5. Canteen Manageress.

6. Canteen Supervisor.

7. Chauffeur.

8. Commissionaire.

9. Messenger.

10. Security Officer.

Appendix 3

Articles 4(2) and 16

COMPUTATION OF PERIOD OF EMPLOYMENT

Preliminary

1. In computing a coal industry employee's period of employment, any question whether his employment is of a kind counting towards that period shall be determined week by week, but the length of his period of employment shall be computed in years.

General provisions as to the period of employment

2.—(1) Except so far as is otherwise provided by the following provisions of this Appendix, any week which does not count under paragraph 3, 4, 5 or 6 of this Appendix breaks the continuity of the period of employment.

(2) During any week which breaks the continuity of the period of employment a coal industry employee shall not be treated as being in the employment of a coal industry employer.

Normal working weeks

3. Any week in which a coal industry employee is employed for 16 hours or more by a coal industry employer shall count in computing a period of employment.

Employment governed by contract

4. Any week during the whole or part of which a coal industry employee's relations with a coal industry employer are governed by a contract of employment which normally involves employment for 16 hours or more weekly shall count in computing a period of employment.

Absence from work

5.—(1) If in any week a coal industry employee is for the whole or part of that week—

(a) incapable of work in consequence of sickness or injury; or

(b) absent from work on account of a temporary cessation of work; or

(c) absent from work in circumstances such that, by arrangement or custom, he is regarded as continuing in the employment of a coal industry employer for all or any purposes,

that week shall, notwithstanding that it does not fall within paragraph 3 or 4 of this Appendix, count as a period of employment.

(2) Not more than 26 weeks shall count under head *(a)* of the foregoing sub-paragraph between any two periods falling within paragraph 3 or 4 of this Appendix.

Industrial disputes

6. If during any week a coal industry employee was for the whole or any part of that week absent from work because he was taking part in a strike that week shall count as a period of employment.

Interpretation

7. In this Appendix, unless the context otherwise requires—

"period of employment" means period of employment by a coal industry employer;

"strike" means the cessation of work by a body of coal industry employees acting in combination or a concerted refusal or refusal under a common understanding of any number of coal industry employees to continue to work for a coal industry employer in consequence of a dispute undertaken as a means of compelling that coal industry employer or any person or body of persons employed, or to aid other employees in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment.

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	but not exceeding	
£ p	£ p	£ p
0.00	111.75	35.00
111.75	112.00	35.15
112.00	112.25	35.29
112.25	112.50	35.44
112.50	112.75	35.58
112.75	113.00	35.72
113.00	113.25	35.86
113.25	113.50	36.01
113.50	113.75	36.15
113.75	114.00	36.29
114.00	114.25	36.43
114.25	114.50	36.58
114.50	114.75	36.72
114.75	115.00	36.86
115.00	115.25	37.00
115.25	115.50	37.15
115.50	115.75	37.29
115.75	116.00	37.43
116.00	116.25	37.57
116.25	116.50	37.72
116.50	116.75	37.86
116.75	117.00	38.00
117.00	117.25	38.14
117.25	117.50	38.29
117.50	117.75	38.43
117.75	118.00	38.57
118.00	118.25	38.71
118.25	118.50	38.86
118.50	118.75	39.00
118.75	119.00	39.14
119.00	119.25	39.28
119.25	119.50	39.43
119.50	119.75	39.57
119.75	120.00	39.71
120.00	120.25	39.85
120.25	120.50	40.00
120.50	120.75	40.14
120.75	121.00	40.28
121.00	121.25	40.42
121.25	121.50	40.57
121.50	121.75	40.71
121.75	122.00	40.85
122.00	122.25	40.99
122.25	122.50	41.14
122.50	122.75	41.28
122.75	123.00	41.42
123.00	123.25	41.56

Appendix 4–*continued*

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)
Exceeding	but not exceeding	
£ p	£ p	£ p
123.25	123.50	41.71
123.50	123.75	41.85
123.75	124.00	41.99
124.00	124.25	42.13
124.25	124.50	42.28
124.50	124.75	42.42
124.75	125.00	42.57
125.00	125.25	42.71
125.25	125.50	42.86
125.50	125.75	43.00
125.75	126.00	43.14
126.00	126.25	43.28
126.25	126.50	43.43
126.50	126.75	43.57
126.75	127.00	43.71
127.00	127.25	43.85
127.25	127.50	44.00
127.50	127.75	44.14
127.75	128.00	44.28
128.00	128.25	44.42
128.25	128.50	44.57
128.50	128.75	44.71
128.75	129.00	44.85
129.00	129.25	44.99
129.25	129.50	45.14
129.50	129.75	45.28
129.75	130.00	45.42
130.00	130.25	45.56
130.25	130.50	45.71
130.50	130.75	45.85
130.75	131.00	45.99
131.00	131.25	46.13
131.25	131.50	46.28
131.50	131.75	46.42
131.75	132.00	46.56
132.00	132.25	46.70
132.25	132.50	46.85
132.50	132.75	46.99
132.75	133.00	47.13
133.00	133.25	47.27
133.25	133.50	47.42
133.50	133.75	47.56
133.75	134.00	47.70
134.00	134.25	47.84
134.25	134.50	47.99
134.50	134.75	48.13
134.75	135.00	48.27
135.00	135.25	48.41
135.25	135.50	48.56
135.50	135.75	48.70
135.75	136.00	48.84

Appendix 4–*continued*

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)
Exceeding	but not exceeding	
£ p	£ p	£ p
136.00	136.25	48.98
136.25	136.50	49.13
136.50	136.75	49.27
136.75	137.00	49.41
137.00	137.25	49.55
137.25	137.50	49.70
137.50	137.75	49.84
137.75	138.00	49.99
138.00	138.25	50.13
138.25	138.50	50.28
138.50	138.75	50.42
138.75	139.00	50.56
139.00	139.25	50.70
139.25	139.50	50.85
139.50	139.75	50.99
139.75	140.00	51.13
140.00	140.25	51.27
140.25	140.50	51.42
140.50	140.75	51.56
140.75	141.00	51.70
141.00	141.25	51.84
141.25	141.50	51.99
141.50	141.75	52.13
141.75	142.00	52.27
142.00	142.25	52.41
142.25	142.50	52.56
142.50	142.75	52.70
142.75	143.00	52.84
143.00	143.25	52.98
143.25	143.50	53.13
143.50	143.75	53.27
143.75	144.00	53.41
144.00	144.25	53.55
144.25	144.50	53.70
144.50	144.75	53.84
144.75	145.00	53.98
145.00	145.25	54.12
145.25	145.50	54.27
145.50	145.75	54.41
145.75	146.00	54.55
146.00	146.25	54.69
146.25	146.50	54.84
146.50	146.75	54.98
146.75	147.00	55.12
147.00	147.25	55.26
147.25	147.50	55.41
147.50	147.75	55.55
147.75	148.00	55.69
148.00	148.25	55.83
148.25	148.50	55.98
148.50	148.75	56.12

Appendix 4–*continued*

Column 1		Column 2
Amount of pre-redundancy earnings		Weekly sum payable under Article 5(1)
Exceeding	but not exceeding	
£ p	£ p	£ p
148.75	149.00	56.26
149.00	149.25	56.40
149.25	149.50	56.55
149.50	149.75	56.69
149.75	150.00	56.83
150.00	150.25	56.97
150.25	150.50	57.12
150.50	150.75	57.26
150.75	151.00	57.40
151.00	151.25	57.54
151.25	151.50	57.69
151.50	151.75	57.83
151.75	152.00	57.98
152.00	152.25	58.12
152.25	152.50	58.26
152.50	152.75	58.41
152.75	153.00	58.55
153.00	153.25	58.69
153.25	153.50	58.83
153.50	153.75	58.98
153.75	154.00	59.12
154.00	154.25	59.26
154.25	154.50	59.40
154.50	154.75	59.55
154.75	155.00	59.69
155.00	155.25	59.83
155.25	155.50	59.97
155.50	155.75	60.12
155.75	156.00	60.26
156.00	156.25	60.40
156.25	156.50	60.54
156.50	156.75	60.69
156.75	157.00	60.83
157.00	157.25	60.97
157.25	157.50	61.11
157.50	157.75	61.26
157.75	158.00	61.40
158.00	158.25	61.54
158.25	158.50	61.68
158.50	158.75	61.83
158.75	159.00	61.97
159.00	159.25	62.11
159.25	159.50	62.25
159.50	159.75	62.40
159.75	160.00	62.54
160.00	AND OVER	62.68

Appendix 5

Article 16

TABLE OF LUMP SUM PAYMENTS

Column 1	Column 2
Age of coal industry employee on relevant date	Percentage of week's pay of coal industry employee payable for each completed year of service after his 20th birthday
21	50
22	50
23	50
24	50
25	50
26	60
27	70
28	80
29	90
30	100
31	100
32	100
33	100
34	100
35	100
36	110
37	120
38	130
39	140
40	150
41	150
42	150
43	150
44	150
45	150
46	150
47	150
48	150
49	150
50	150
51	150
52	150
53	150
54	150
55 years but less than 65 years in the case of a man, or 60 years in the case of a woman, but with less than 10 years' coal industry employment	150

Appendix 6 Article 17

TABLE OF LUMP SUM PAYMENTS

Column 1	Column 2	Column 3
Age of coal industry employee on relevant date	Percentage of the defined sum under Article 17(2)	Specified sum
21		£100
22		£200
23		£300
24		£400
25		£500
26		£600
27		£700
28		£800
29		£900
Between 30 and 39		£1000
40 and 49		£1500
50 and 55	200	
56	150	
57	100	
58	75	
59	50	

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order establishes under the Coal Industry Act 1977 a scheme for the payment of benefits to mineworkers, workers at coking plants and other coal industry employees made redundant between 6th April 1983 and 1st April 1984 (Part 1 of the Schedule) and a scheme for the reimbursement to the National Coal Board of costs it incurs in providing concessionary coal to such coal industry employees (Part 2 of the Schedule). The Redundant Mineworkers and Concessionary Coal Payments Schemes, scheduled to the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Orders 1973 and 1978, continue to apply to men redundant before 6th April 1983.

The new Schemes prescribe the classes of persons eligible and the conditions they must fulfil in order for benefit to be payable (principally Articles 2, 3 and 4 of the Schemes). The main provisions for benefit are:

(i) As under the 1978 Schemes, for men eligible and made redundant between age 55 and 65 basic weekly benefit is payable (under Article 5 of the Schemes) in accordance with a table relating benefits to pre-redundancy earnings (Appendix 4). The benefit is subject to reduction, in general to a minimum of £35 per week, in respect of other State benefits received (Article 7 of the Schemes) and is payable for 260 weeks or until age 65 (Article 11(2) of the Schemes). If a man receives early pension outside the Scheme, this excludes all weekly benefits during the 260 weeks (Article 10(1) of the Schemes).

(ii) Men referred to at (i) above who after the 260 weeks have not reached retiring age, and men eligible for weekly benefit made redundant between age 50 and 55, receive pension outside the Schemes. The Schemes (Article 8) make new provision for those men of such weekly benefit as will with pension total £35 per week.

(iii) From exhaustion of entitlement to unemployment benefit until retiring age a sum equivalent to the current rate of unemployment benefit is also payable to those eligible and made redundant age 50 or over (instead of 55 under the 1978 Scheme)—Article 9 of the Schemes.

(iv) As under the 1978 Schemes, a man made redundant age over 21 receives a lump sum which varies with length of service and age on redundancy (Article 16 of the Schemes) and, if he has not reached 60 on redundancy, an additional lump sum (Article 17 of the Schemes), either specified or calculated by reference to the sum payable to him under the Employment Protection (Consolidation) Act 1978.

(v) The full cost to the Board of providing concessionary coal to men made redundant age 50 or over (instead of 55 under the 1978 Scheme) is reimbursed until the man reaches 60, and thereafter half the cost. For men made redundant over 60 half the cost is reimbursed (Article 18 of the Schemes).

The Schemes also contain a number of lesser, new provisions. In particular, benefits are paid to men who reside outside Great Britain if, apart from their absence abroad, they would be eligible for British unemployment or similar benefits (Article 10(5)*(b)* of the Schemes). In the calculation of the lump sum referred to at (iv) above, which involves computation of the period of continuous employment, receipt of an incapacity pension for more than 26 weeks does not break that period (Article 17(2)).

The Order also makes further changes in the 1973 and 1978 Schemes, the principal change in each being the substitution of a new minimum weekly benefit of £10.84 for weeks commencing on or after 6th April 1983 (Article 2*(d)* and Article 3*(f)* of the Order). Other changes are consequential on the Social Security and Housing Benefits Act 1982 and the Employment Act 1982 (c. 46).

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