



Coal Industry Nationalisation Act 1946

1946 CHAPTER 59

Savings, and provisions consequential on nationalisation.

37 Provisions as to superannuation, etc., rights.

- (1) Regulations shall be made for all or any of the following purposes relating to pensions, gratuities and other like benefits, that is to say,—
 - (a) for providing for such benefits in favour of persons who have been in the Board's employment, or in favour of other persons by reference to the employment of such persons ;
 - (b) for providing for such benefits in favour of persons who have been in employment in or in connection with coal industry activities or transferred allied activities but have not been taken into the service of the Board, or in favour of other persons by reference to the employment of such persons ;
 - (c) for the establishment and administration of schemes or other arrangements and of funds for the purposes of the preceding paragraphs, for the continuance, amendment or revocation of existing schemes or other arrangements relating to the like purposes (whether subsisting by virtue of trust, contract or otherwise) and of trust deeds, rules or other instruments made for the purposes thereof, for the transfer in whole or in part or extinguishment of liabilities under any such existing schemes or arrangements, and for the transfer in whole or in part, or winding up, of funds held for the purposes of any such existing schemes or arrangements, so however that nothing in this paragraph shall be construed as authorising diversion of any such funds to purposes other than those of the preceding paragraphs.
- (2) In the case of persons, whether taken into the service of the Board or not, who have been in employment in or in connection with coal industry activities or transferred allied activities before the primary or other relevant vesting date, the regulations to be made for the purposes of the preceding subsection shall be so framed as to secure that, where either—
 - (a) a right to, or an expectation of accruer (whether as of right or under customary practice) of, any particular benefits in favour of any such person, or in favour of another person by reference to his employment, ceases or is prejudiced by

Status: This is the original version (as it was originally enacted).

reason of his ceasing in consequence of the passing of this Act to be employed by his previous employer or to be employed in the activities aforesaid, or

- (b) any such person has retired from employment as aforesaid before the primary or other relevant vesting date, and he, or another person by reference to his employment, has been in receipt of benefits granted in respect of his employment, whether as of right or under customary practice,

the same benefits, or substituted benefits not less advantageous, shall be provided for under the regulations :

Provided that this subsection shall have effect subject to such limitations as may be prescribed for meeting cases in which any such rights, expectations or benefits may have been created or granted, otherwise than in the ordinary course, in connection with any provision made by this Act or with any anticipation of the making of any such provision.

- (3) Regulations made for the purposes of this section may be made so as to have effect from a date earlier than that on which they are made.
- (4) Liabilities (whether of obligation or under customary practice) in relation to pensions, gratuities and other like benefits, of a kind subsisting under such existing schemes or arrangements as aforesaid in connection with the carrying on of any coal industry activities or transferred allied activities, shall be taken into account in the valuation of compensation units comprising transferred interests owned, or in things used, for such activities, and the amount referred to in subsection (4) of section thirteen of this Act which a compensation unit might have been expected to realise on the assumed sale therein referred to shall be estimated on the basis that the purchaser would be in the like position as the owner of the transferred interests comprised in the unit as respects such liabilities and as respects resort to any transferred funds held for the purposes of such existing schemes or arrangements.