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STATUTORY INSTRUMENTS

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**1951 No. 2010**

**The Coal Industry (Superannuation Scheme)  
(Winding Up, No. 3) Regulations 1951**

*Application*

1. These regulations apply to each of the superannuation schemes specified in the schedule to these regulations, being schemes or other arrangements for the provision of pensions, gratuities or other like benefits in favour of—

- (a) persons to whom sub-section (2) of section thirty-seven of the Act of 1946, as amended by section four of the Act of 1949, applies, or
- (b) persons, other than as aforesaid, taken into the employment of the National Coal Board (in these regulations referred to as “the Board”) before the commencement of the Act of 1949, being persons who had been in employment in, or in connection with, coal industry activities or transferred allied activities.

with respect to which—

- (i) provision for the payment of all benefit becoming due is made under one or more contracts of insurance, and
- (ii) all members (other than those who had become entitled to benefit before the commencement of these regulations) have with the consent of the insurers concerned become members of the principal scheme (as defined in regulation five).

*Amendment of certain trust deeds*

2.—(1) Every instrument whereby any person was at the commencement of these regulations constituted a trustee of any scheme specified in the first part of the schedule aforesaid (in these regulations referred to as a “trustee scheme”) shall have effect subject to the modification that every trustee so constituted shall cease as from the said commencement to be such a trustee, and that the trustees for the time being of the principal scheme shall thereafter be trustees of each trustee scheme.

(2) All property, rights, liabilities and obligations vested immediately before the commencement of these regulations in the trustees of any trustee scheme in their capacity as such are hereby transferred without further assurance to the trustees of the principal scheme in their capacity as trustees of the trustee scheme concerned:

Provided that nothing in this paragraph shall relieve any trustee from any liability for any breach of trust, except in so far as under any instrument creating the trust he is entitled to an indemnity in respect thereof from assets available for the purposes of the scheme concerned.

*Winding up of schemes*

3.—(1) Subject to the provisions of these regulations, each scheme to which these regulations apply shall cease to have effect:

Provided that each such scheme shall continue to apply in relation to the payment of benefits—

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- (a) to any member or other person who had before the commencement of these regulations become entitled to benefits under it; and
- (b) to any person becoming entitled to benefits by virtue of the membership of a member to whom sub-paragraph (a) applies.

(2) Nothing in this regulation shall affect the due discharge of any right, liability or obligation acquired or incurred in connection with the operation of any scheme to which these regulations apply (otherwise than in respect of the rights of any person as a member of the scheme) before the commencement of these regulations.

*Additional provision, trustee schemes*

4. After any trustee scheme has finally ceased to have effect, and after every liability incurred by the trustees of the scheme in connection with its operation has been discharged, all property and rights vested in the said trustees for the purposes of that scheme shall be held by them in their capacity as trustees of the principal scheme.

*General*

5.—(1) In these regulations, the following expressions have the meanings hereby assigned to them respectively:—

“the Act of 1946” means the Coal Industry Nationalisation Act, 1946;

“the Act of 1946” means the Coal Industry Act, 1949;

“the Board” has the meaning assigned by regulation one;

“the Board's part” in relation to any superannuation scheme means the Board's part of that scheme within the meaning of paragraph (1) of regulation five of the Coal Industry Nationalisation (Superannuation) Regulations, 1950(1);

“the principal scheme” means the superannuation scheme established by the Board by resolution dated the eighteenth day of July, nineteen hundred and forty-seven, as amended from time to time, and references thereto shall be construed as including any scheme approved by the Minister and established by the Board in replacement of it.

(2) The Interpretation Act, 1889 shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

6. These regulations shall come into operation on the thirtieth day of November, nineteen hundred and fifty-one, and may be cited as the Coal Industry (Superannuation Scheme) (Winding Up, No. 3) Regulations, 1951.

Dated this twenty-first day of November,  
nineteen hundred and fifty-one

*Geoffrey Lloyd*  
Minister of Fuel and Power