



Coal Industry Nationalisation Act 1946

1946 CHAPTER 59 9 and 10 Geo 6

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 [^{F1}Corporation'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 [^{F2}Corporation], 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.

[^{F3}(1A) Regulations may be made for providing pensions, gratuities and other like benefits in favour of persons specified in the Table in Schedule 2A to this Act, and references in subsection (1)(c) above to the purposes of paragraphs (a) and (b) of that subsection shall include references to the purposes of this subsection.]

- (2) In the case of persons, whether taken into the service of the [^{F2}Corporation] 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

Status: Point in time view as at 01/02/1991.

Changes to legislation: Coal Industry Nationalisation Act 1946, Section 37 is up to date with all changes known to be in force on or before 29 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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, . . . ^{F4} 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 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.

Textual Amendments

- F1** Words substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), **Sch. 1 para. 1(4)**
- F2** Word substituted by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 1(1)(2), **Sch. 1 para. 1(3)**
- F3** [S. 37\(1A\)](#) inserted by [Coal Industry Act 1977 \(c. 39\)](#), **s. 12(1)**
- F4** Words repealed retrospectively by [Coal Industry Act 1949 \(c. 53\)](#), **s. 4(3)**

Modifications etc. (not altering text)

- C1** [S. 37](#) amended retrospectively by [Coal Industry Act 1949 \(c. 53\)](#), **s. 4(1)**; extended by [Coal Industry Act 1949 \(c. 53\)](#), **s. 4(4)** and [Coal Industry Act 1965 \(c. 82\)](#), **s. 4(1)**
- C2** [S. 37\(1\)\(a\)](#) extended by [Miners' Welfare Act 1952 \(c. 23\)](#), **s. 14**
- C3** [S. 37\(1\)\(c\)](#) extended by [Coal Industry Act 1949 \(c. 53\)](#), **s. 4(2)**

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