

THE SCHEDULE

In Clause 43(2) (Interpretation), at the end of the definition of "Earnings" there shall be inserted the following words:

"Provided that, where the person's emoluments include an amount in relation to profit-related pay by virtue of that person's membership of an approved profit-related pay scheme operated by the Employer, his Earnings shall be determined in such manner as the Employer shall think fit (and notify accordingly to the Committee of Management) for the purpose of taking account of the profit-related pay. For that purpose a person's Earnings may be determined as the notional total weekly emoluments which the person would have received if he were not a member of the profit-related pay scheme. To the extent that the inclusion of profit-related pay in this definition of Earnings would cause Inland Revenue Limits to be exceeded in relation to a person, then the benefits payable to or in respect of that person under the Scheme shall be limited to the extent necessary to ensure compliance with Inland Revenue Limits."

*WJH*  
*3/2/2000*

## THE INDUSTRY MINEWORKERS' PENSION SCHEME ("the Scheme")

## RESOLUTION

## WHEREAS:

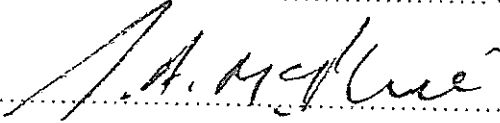
(A) By virtue of Clause 38 of the Scheme the Co-ordinator may from time to time and at any time amend the Scheme's Trust Deed and the Rules annexed thereto by the alteration, deletion or addition of any provisions save as therein mentioned but so that no amendments shall be made to the Trust Deed and the Rules unless such amendments have been proposed by the Co-ordinator and approved (as described in Clause 38) by a resolution of the Committee of a Management.

(B) On 14 May 1996 the Committee of Management resolved to approve the amendment set out in the Schedule attached to this resolution and the Co-ordinator hereby resolves to make the said amendment in manner hereinafter appearing.

**IT WAS RESOLVED THAT** the Trust Deed be amended by the amendment set out in the Schedule attached hereto with effect from 29 December 1994 so however that no such alteration, deletion or addition shall be operative insofar as it would contravene:

- (a) the said Clause 38; or
- (b) Regulation 13 of the Coal Industry (Protected Persons) Pensions Regulations 1994 (amendment of a relevant scheme); or
- (c) the requirements of the Pension Schemes Act 1993 relating to preservation of benefits; or
- (d) the requirements for approval by the Commissioners of the Inland Revenue under Chapter 1 of Part XIV of the Income and Corporation Taxes Act 1988.

DATED this ..... 3<sup>rd</sup> ..... day of February ..... 2000

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 ..... Chairman of the Co-ordinator