

THE INDUSTRY-WIDE MINeworkERS' PENSION SCHEME

The Co-ordinator wishes to amend the Trust Deed and Rules to clarify that a profit share bonus scheme is not pensionable. Clause 38(1) of the Trust Deed provides that the Co-ordinator may with the consent of the Committee of Management amend the Trust Deed and Rules. Section 67 of the Pensions Act 1995 provides that where an amendment would or might affect any entitlement or accrued right of any member, the Committee of Management must approve the exercise of the amendment power by the Co-ordinator and satisfy itself that the Certification Requirements (as defined in section 67(4) Pensions Act 1995) are met. The Co-ordinator has consulted with and obtained the approval of the Committee of Management to the amendments to the Trust Deed and Rules set out below. The Committee of Management is satisfied the Certification Requirements are met.

With effect as of and from the [Date]:

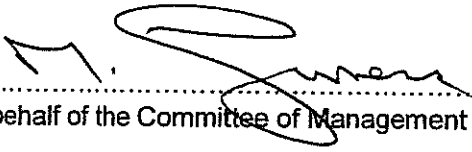
1. In clause 43(2), the definition of "Earnings" shall be deleted and replaced as follows:

""Earnings" in relation to any person:

- (a) Subject to paragraphs (b) and (c) below, means the aggregate of:
 - (i) the total weekly earnings of that person within the meaning of the term "earnings" in section 62(2) of the Income Tax (Earnings and Pensions) Act 2003 from Eligible Employment which are "taxable earnings" within the meaning of section 10(2) of the said Act (before any deductions or reliefs under that Act), which shall include or if and insofar as may be necessary shall be deemed to include sums payable to that person by reference to Eligible Employment:
 - (A) by way of maternity, paternity and adoption pay under the Social Security Contributions and Benefits Act 1992;
 - (B) in respect of arrears of pay in pursuance of an order for re-installment or re-engagement under the Employment Rights Act 1992;
 - (C) by way of pay in pursuance of an order for the continuation of a contract of employment under the Employment Rights Act 1992; or
 - (D) by way of remuneration in pursuance of a protective award under the Trade Union and Labour Relations (Consolidation) Act 1992;


- (ii) the total weekly payments to that person in relation to Trade Union Activities;
 - (iii) the total weekly payments made to that person in relation to Inspection Activities.
- (b) In respect of any Period of Strike Absence in respect of which a member has elected to pay special contributions in accordance with Rule 4 shall mean the amount of his Estimated Earnings;
- (c) Does not include any payments pursuant to the profit share bonus scheme operated by UK Coal Mining Limited from the calendar year 2003 onwards unless that Employer decides otherwise and notifies the Committee of Management."

It is HEREBY RESOLVED that the above amendment proposed by the Co-ordinator in accordance with Clause 38 of the Trust Deed are HEREBY APPROVED by a majority of the members of the Committee of Management.


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On behalf of the Committee of Management

15 April 2023
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Date

It is HEREBY RESOLVED by the Co-ordinator to amend the Scheme in the manner set out above.


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On behalf of the Co-ordinator

15 April 2023
.....
Date