

THE INDUSTRY-WIDE MINeworkERS' PENSION SCHEME (THE "SCHEME")**1. RECITALS****1.1 Background**

The Trustee and the Coordinator wish to amend Part 2 (DB Members) and Part 3 (DC Members) of Appendix IV to the IWMPs Trust Deed and Rules to allow members who remain in Eligible Employment in a New UK Coal Section (as defined below) and who also have deferred benefits in the UKCOL Section to take early retirement in respect of their UKCOL Section benefits.

1.2 Amendments

- (a) Clause 38(1) of the Trust Deed provides that the Co-ordinator may amend the Trust Deed and Rules with the consent of the Committee of Management subject to certain other restrictions which are not relevant to the amendments set out in this resolution.
- (b) The Trustee has received advice that the amendments to be made by this resolution would not increase the protected liabilities of the Scheme (as defined in section 131 of the Pensions Act 2004). Consequently the amendments below will form part of the admissible rules of the Scheme for the purposes of paragraph 35 of Schedule 7 to the Pensions Act 2004.
- (c) Section 67 of the Pensions Act 1995 (the "Act") provides that a Regulated Modification (as defined in the Act) is voidable unless certain conditions are met.
- (d) The Co-ordinator and the Committee of Management are satisfied that the proposed amendments do not constitute Regulated Modifications.
- (e) The Actuary has confirmed to the Trustee for the purposes of Regulation 42(2) of the Occupational Pension Schemes (Contracting Out) Regulations 1996 that he is satisfied that if the amendments are made to the Scheme, it will continue to satisfy the statutory standard under section 12A of the Pension Schemes Act 1993 in relation to all earners whose employments are contracted-out by reference to it.
- (f) The Co-ordinator has agreed to make the amendment set out below and a majority of the Committee of Management has consented to that amendment as required by Clause 38(4) of the Trust Deed, as evidenced by their respective signatures on this resolution.

2. RESOLUTION

2.1 With effect on and from the date of this resolution, Appendix IV of the Rules will be amended by:

- (a) inserting the following defined terms in the correct alphabetical positions in paragraph 1(3) of Part 1 (Definitions) of that Appendix:

"New Section" means any of the Single Employer's Funds of the IWMPs established on 9 July 2013 for employees working in the UK Coal group.

"Old Section" means the Single Employer's Fund of the IWMPs in which UK Coal Operations Limited participated.";

- (b) inserting the following new paragraph 21A between paragraphs 21 and 22 in Part 2 (DB Members) of that Appendix:

"21A Optional Early Retirement for members of the Old Section – Rule 20B

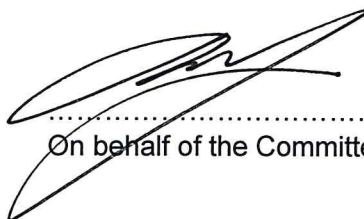
- 20B(1) Subject to the provisions of paragraphs (4) and (5) of this Rule, a member (irrespective of whether he is a DB or DC Contributor) who has accrued benefits under the Old Section and who is also in Eligible Employment and as a result is accruing benefits under a New Section shall be entitled to exercise the option conferred by this Rule.
- (2) A member shall have the option exercisable by giving written notice to the Committee of Management at any time (provided it is prior to the attainment of Pensionable Age) of receiving a benefit in relation to his accrued benefits in the Old Section under this Rule provided that no such option shall be exercisable before the member shall attain the age of 50 and no such benefit shall be payable with effect from a date earlier than the date of the member's fiftieth birthday. Any such notice may be revoked by a member giving written notice to that effect to the Committee of Management at any time prior to the commencement of payment of the benefit under this Rule.
- (3) The benefit payable under this Rule shall be calculated in accordance with Rule 20(3) of this Appendix IV, Part 2.
- (4) Benefit shall not be payable under the provisions of paragraph (3) of this Rule unless the Committee of Management, on the advice of the Actuary, are satisfied that the pension payable to a member at State Pensionable Age will not be less than the guaranteed minimum pension payable under the combined provisions of Rule 12 and the Contracting-Out Schedule.
- (5) A member shall not be entitled to exercise the option conferred by this Rule if the member becomes entitled to benefit under Rule 16, 17, 18 or 20.
- (6) A member entitled to a benefit under this Rule shall be entitled to make an election under Rule 14(4).
- (7) A member who exercises the option under this Rule may remain in Eligible Employment for the purposes of the New Section of which he is a member and shall be entitled to continue to participate in that New Section as either a DB or DC Contributor (as appropriate).";
- (c) deleting the word "or" at the end of Rule 23(2)(b) and deleting the full stop at the end of Rule 23(2)(c) and replacing it with "; or";
- (d) inserting a new Rule 23(2)(d) immediately after Rule 23(2)(c) (as that Rule is set out under paragraph 24 of Part 2 of Appendix IV) as follows:
- "he dies after a pension becomes payable to him under Rule 20B.
- (e) inserting the words ", Rule 20A or Rule 20B" immediately after the words "Rule 20" in Rule 23(4)(a)(iii) (as that Rule is set out under paragraph 24 of Part 2 of Appendix IV);

- (f) inserting the words "Rule 20A or Rule 20B" immediately after the words "Rule 20," in Rule 24(2)(a) (as that Rule is set out under paragraph 26 of Part 2 of Appendix IV);
- (g) inserting the words "or (d)" immediately after the words "sub-paragraph (b)" in Rule 26(3)(a)(ii) (as that Rule is set out under paragraph 28 of Part 2 of Appendix IV);
- (h) inserting the words "or (d)" immediately after the words "sub-paragraph (b) or (c)" in Rule 26(3)(c) (as that Rule is set out under paragraph 28 of Part 2 of Appendix IV);
- (i) inserting the words "or (d)" immediately after the words "sub-paragraph (b)" in Rule 26(3)(d)(i) (as that Rule is set out under paragraph 28 of Part 2 of Appendix IV);
- (j) inserting the following new paragraph 13(1)(aa) between paragraphs 13(1) and 13(1)(a) in Part 3 (DC Members) of that Appendix:

"(aa) Optional Early Retirement for members of the Old Section (Rule 20(B))"

2.2 This resolution may be executed in any number of counterparts each of which is an original but all of which when taken together shall constitute a single instrument.

It is HEREBY CONFIRMED that the Committee of Management consents to the above amendment in accordance with Clause 38 of the Trust Deed.



 On behalf of the Committee

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 Date 11/10/13

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



 On behalf of the Co-ordinator

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 Date 30/11/13