

**THE INDUSTRY-WIDE MINeworkERS' PENSION SCHEME (THE "SCHEME")
AMENDING RESOLUTION**

1. RECITALS

- 1.1 The Co-ordinator wishes to amend the Trust Deed and Rules of the Scheme to confirm that a survivor's pension shall be payable under Rule 23 on the death of a Member who had taken flexible retirement under Rule 20A. The Co-ordinator wishes for such amendments to have retrospective effect from 12 September 2007 (the "**Effective Date**"), being the date that flexible retirement was introduced as an option for Members under the Scheme.
- 1.2 Clause 38(1) of the Trust Deed provides that the Co-ordinator may, with the consent of the Committee of Management where this is required under paragraph (2) or (4) of that Clause, amend the Trust Deed and Rules subject to certain restrictions which are not relevant to the amendments set out in this Resolution.
- 1.3 As required by Clause 38(4) of the Trust Deed, a majority of the Committee of Management has consented to the amendments in this Resolution, as evidenced by its signature.
- 1.4 Section 67 of the Pensions Act 1995 provides that a Regulated Modification (as defined in that Act) is voidable unless certain conditions are met. The Co-ordinator is satisfied that the proposed amendments do not constitute Regulated Modifications.

2. RESOLUTION

- 2.1 With effect as of and from the Effective Date, the Co-ordinator, with the consent of the Committee of Management, has determined to amend the Trust Deed and Rules as follows:

- (a) Rule 23(2)(b) shall be deleted in its entirety and replaced as follows:

"he has prior to the date of his death retired from Eligible Employment in such circumstances that a pension is or would had he survived have become payable to him under any of Rule 14 (whether or not increased under Rule 15), Rule 16, Rule 17, Rule 18, Rule 19, Rule 20, Rule 20A or paragraph (2) of Rule 22; or"

- (b) Rule 23(4)(a)(iii) shall be deleted in its entirety and replaced as follows:

"where at the time of his death he was in receipt of a pension, two-thirds of the amount of the pension he was receiving at the date of his death ignoring any reduction in his pension arising from the exercise of the option contained in Rule 20 or Rule 20A; or"

- 2.2 Words and expressions used in this Resolution (including the opening recitals) and not defined have, so far as it consistent with the subject matter and where the context admits, the meanings set out in the Trust Deed and Rules and will be subject to the provisions as to interpretation contained in the Trust Deed.

The Co-ordinator **HEREBY RESOLVES** to make the amendments set out above in accordance with Clause 38 of the Trust Deed, and those amendments are **HEREBY APPROVED** by the Committee of Management.

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On behalf of the Committee of Management

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Date

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On behalf of the Co-ordinator

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Date