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SCHEDULES

SCHEDULE 19

Section 158.

SUPPLEMENTARY SCHEMES

Implementation of schemes

- 1 The Secretary of State may by order approve a supplementary scheme whether with or without amendment, if he is satisfied that it is expedient that the scheme should come into operation:
- Provided that the Secretary of State, before approving a supplementary scheme, shall take steps to ascertain so far as practicable the views of any employed earners or employers affected thereby who in his opinion are not represented by the body submitting the scheme.
- 2 Subject to the provisions of this paragraph, and to paragraphs 3 to 5 below, a supplementary scheme may—
- (a) apply for the purposes of the scheme (including in particular the purpose of determining any question as to the application of the scheme to any person or class of persons) any of the provisions of this Act or of regulations, with or without modifications ;
 - (b) make such provision for the constitution of a body to be charged with the administration of the scheme, and with respect to the supervision of the administration of the scheme and accounts, as the Secretary of State considers to be necessary for the purpose of giving effect to the scheme (including provision for the making of returns to the Secretary of State as to matters affecting the operation of the scheme);
 - (c) provide for the participation of the Secretary of State in the administration of the scheme to such an extent and for such purposes as may be therein specified ;
 - (d) provide for defraying, out of any funds which may be available for the purposes of the scheme, such fees and other charges as may be determined by the Secretary of State, with the concurrence of the Treasury, in respect of the participation of the Secretary of State in the administration of the scheme ;
 - (e) contain such other provisions as the Secretary of State considers to be necessary for the purpose of giving effect to the scheme.
- 3 A supplementary scheme may empower the body charged with the administration of the scheme to make, if the Secretary of State so directs, such temporary modifications in any of the rates of contribution or the rates or periods of benefit under the scheme as are, in the opinion of the Secretary of State, sufficient to secure the solvency of the fund constituted under the scheme.
- 4 No part of the funds required for providing benefits under a supplementary scheme, or otherwise in connection therewith, shall be derived from money provided by Parliament; but this paragraph does not prevent the making, in respect of persons

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whose remuneration is or may be defrayed out of money so provided, of a scheme whereunder contributions are payable by employers.

- 5 Subject to paragraphs 6 to 9 below, a supplementary scheme when approved by the Secretary of State shall continue in force until determined in accordance with its provisions.

Amendment and consolidation of schemes

- 6 The Secretary of State may by order—
- (a) vary or amend the provisions of a supplementary scheme in any manner and at any time if so requested by—
 - (i) the body by whom it was submitted, or any other body of persons which in his opinion is concerned as representing employed earners or employers ; or
 - (ii) the body charged with the administration of the scheme ; and
 - (b) where it appears to him that, having regard to any periodic audit and valuation, the fund constituted under the scheme—
 - (i) is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities ; or
 - (ii) is and is likely to continue to be more than reasonably sufficient to discharge its liabilities,
 after consultation with the last-mentioned body make such modifications in any of the rates of contribution or the rates or periods of benefit under the scheme as appear to him to be required in order to make the fund, as the case may be, sufficient or no more than reasonably sufficient to discharge its liabilities.

- 7 An order under paragraph 6 above with respect to any supplementary scheme may replace all or any of the provisions of the scheme (whether or not previously amended, varied or modified under that paragraph) with new provisions consolidating those provisions as they are to have effect with the amendments, variations or modifications to be made by the order.

- 8 The Secretary of State, after consulting the body charged with the administration of a supplementary scheme, may make an order under this paragraph for the purpose of consolidating the provisions of the scheme as for the time being amended, varied or modified.

- 9 An order made by virtue of paragraph 7 or 8 above may revoke previous orders under paragraph 6, 7 or 8 relating to the scheme so far as they are superseded by the consolidation or have otherwise become obsolete or unnecessary.

Set-off of overpayments

- 10 (1) Where a person who has received a payment in respect of any period under a supplementary scheme is subsequently found to be entitled in respect of that period to a payment by way of benefit, the entitlement to or payment of which disentitles him to the whole or part of the amount of the payment under the scheme, any payment by way of that benefit may, at the discretion of the Secretary of State, be abated by the amount of the overpayment under the scheme or so much thereof as has not been repaid to the fund out of which it was made.

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- (2) In this paragraph and paragraph 11 below, "benefit" means benefit under Part II of this Act or under the former principal Act.
- 11 Where a person has received in respect of any period a payment by way of benefit which disentitles him to a payment which would otherwise be payable to him in respect of that period under a supplementary scheme and he is subsequently found not to have been entitled to the whole or part of the amount of that payment of benefit, any payment under the scheme in respect of that period may, at the discretion of the person by whom the payment falls to be made, be abated by the amount of benefit overpaid or so much thereof as has not been—
- (a) repaid or otherwise recovered, or
 - (b) treated as having been paid on account of any other benefit payable in respect of that period, or on account of an allowance under the Family Allowances Act so payable.
- 12 The amount by which a payment to any person is abated under paragraph 10 or 11 above on account of some other payment to that person shall not be otherwise recoverable from that person and shall be made good out of the fund out of which the abated payment fell to be made to the fund out of which that other payment was made.
- Exemption of certain documents from stamp duty*
- 13 Stamp duty shall not be chargeable on any of the following documents—
- (a) a letter or power of attorney granted by any person as trustee for the transfer of any money vested in his name in the public funds or in any other securities and forming part of any funds applicable for the purposes of a supplementary scheme;
 - (b) an agreement made or given for the purpose of, or in connection with, a supplementary scheme ;
 - (c) the appointment or revocation of appointment of an agent, the appointment of a new trustee, and any conveyance or transfer made for effectuating the appointment of a new trustee and any other document authorised by or in pursuance of a supplementary scheme.
- 14 Paragraph 13 above is without prejudice to section 163 of this Act