

SCHEDULE 1

THE STATUTORY CONSULTATION PROCEDURE

Immaterial omissions etc.

10.—(1) This paragraph applies where—

- (a) the proposer of appropriate rules or alternative arrangements for a scheme has taken such steps as are reasonably practicable to comply with the statutory consultation procedure in respect of them;
- (b) they have been treated by the trustees of the scheme as being approved under this Schedule, on the assumption that its requirements have been met; and
- (c) it is subsequently discovered that those requirements were not actually met.

(2) Where this paragraph applies but, even on the most adverse assumptions, the rules or, as the case may be, arrangements would still have been treated as approved under this Schedule by the eligible members taken as a whole, they are to be so treated; and for the purposes of this subparagraph the most adverse assumptions are that the requirements had been met and had resulted in objections being made to the rules or, as the case may be, arrangements (whether by representation or voting) in every case where the failure to meet the requirements may have resulted in objections not being made.

(3) Where this paragraph applies, things done by a person purporting to act as trustee by virtue of an appointment in accordance with the rules or, as the case may be, arrangements are not invalid merely because of the failure to meet the requirements of this Schedule.