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## SCHEDULES

### SCHEDULE 2

#### ADMINISTRATIVE PROVISIONS RELATING TO TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

#### PART II

#### MEMBERS' SUPERANNUATION SCHEMES

##### *Examination of superannuation schemes*

- 23 Subject to paragraphs 29 to 31 below, every trade union and every employers' association which at the commencement of this Part of this Schedule is maintaining a members' superannuation scheme shall arrange for the scheme, as it has effect at a date not later than two years from the commencement of this Part of this Schedule, to be examined by an appropriately qualified actuary, and for the actuary to make a report to the trade union or employers' association on the results of his examination of the scheme.
- 24 Where a members' superannuation scheme to which paragraph 23 above applies includes provision for the maintenance of a separate fund for the purpose of the scheme, the examination under that paragraph shall include a valuation (as at the date by reference to which the examination is carried out) of the assets comprised in that fund and of the liabilities falling to be discharged out of it
- 25 The report made by the actuary on the results of his examination of any such scheme—
- (a) shall state whether in his opinion the premium or contribution rates are adequate and whether the accounting or funding arrangements are suitable, and
  - (b) if the scheme provides for the maintenance of a separate fund for the purposes of the scheme, shall state whether in his opinion the fund is adequate.
- 26 A copy of any report made by an actuary under paragraph 23 above, signed by the actuary, shall be sent to the [F<sup>1</sup>Certification Officer]; and it shall be the duty of the trade union or employers' association to make such arrangements under that paragraph as will enable the report to be sent to the [F<sup>1</sup>Certification Officer] before the end of the period of one year from the date by reference to which the actuarial examination was carried out.

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**Textual Amendments**

**F1** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 16 Pt. III para. 1**

- 27 Subject to paragraphs 30 and 31 below, no trade union or employers' association shall after the commencement of this Part of this Schedule begin to maintain a members' superannuation scheme unless, before the date on which the scheme begins to be maintained,—
- (a) the proposals for the scheme have been examined by an appropriately qualified actuary; and
  - (b) a copy of a report made to the trade union or employers' association by the actuary on the results of his examination of the proposals, signed by the actuary, has been sent to the [<sup>F2</sup>Certification Officer];
- and the provisions of paragraph 25 above shall have effect in relation to a report under this paragraph on the proposals for a scheme as they have effect in relation to a report on a scheme under paragraph 23 above.

**Textual Amendments**

**F2** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 16 Pt. III para. 1**

- 28 A copy of any report made to a trade union or employers' association under paragraph 23 or paragraph 27 above shall, on the application of any of its members, be supplied to him free of charge.
- 29 Where on the application of a trade union or employers' association the [<sup>F3</sup>Certification Officer] is satisfied—
- (a) that a members' superannuation scheme maintained by it, as it had effect at a date not more than two years before the commencement of this Part of this Schedule, has been examined by an actuary;
  - (b) that the qualifications of the actuary were adequate for the purpose of carrying out the examination; and
  - (c) that the examination, and the report made by the actuary on its results, fulfil the requirements of paragraphs 24 and 25 above,
- the [<sup>F3</sup>Certification Officer] may direct that paragraph 23 above shall have effect, in relation to that scheme, as if for the reference to two years from the commencement of this Part of this Schedule there were substituted a reference to five years from the date by reference to which that examination was carried out.

**Textual Amendments**

**F3** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 16 Pt. III para. 1**

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- 30 The [<sup>F4</sup>Certification Officer], on the application of a trade union or employers’ association, may exempt any members’ superannuation scheme which it maintains or proposes to maintain from the requirements of paragraph 23 or (as the case may be) paragraph 27 above, if he is satisfied that, by reason of the small number of members to which the scheme is or would be applicable or for any other special reasons, it is unnecessary for the scheme to be examined in accordance with those requirements.

**Textual Amendments**

**F4** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 16 Pt. III para. 1](#)

- 31 The [<sup>F5</sup>Certification Officer] may at any time revoke any exemption granted under paragraph 30 above if it appears to him that the circumstances by reason of which the exemption was granted have ceased to exist.

**Textual Amendments**

**F5** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 16 Pt. III para. 1](#)

*Periodical re-examination of schemes*

- 32 (1) [<sup>F6</sup>Subject to paragraph 33A below] where a trade union or employers’ association for the time being maintains a members’ superannuation scheme, and either—
- (a) the scheme has been examined in pursuance of paragraph 23 above or in pursuance of this paragraph, or
  - (b) the scheme itself has not been so examined but the proposals for the scheme have been examined in pursuance of paragraph 27 above,
- the trade union or employers’ association in question shall arrange for that scheme, as it has effect at each successive relevant date, to be examined by an appropriately qualified actuary, and for a report to be made to it by the actuary on the result of his examination of the scheme.
- (2) Subject to the next following sub-paragraph, in this paragraph “relevant date”, in relation to a members’ superannuation scheme, means such date as the trade union or employers’ association in question may determine, not being later than five years after the date by reference to which the last examination of the scheme, or (as the case may be) the examination of the proposals for the scheme, was carried out in accordance with paragraph 23 or paragraph 27 above or in accordance with the preceding sub-paragraph.
- (3) In the case of any trade union or employers’ association the [<sup>F7</sup>Certification Officer] may direct that, in relation to any time after the making of the direction, sub-paragraph (2) of this paragraph shall have effect as if, for the reference to five years there was substituted a reference to such shorter period as may be specified in the direction.

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**Textual Amendments**

- F6** Words inserted by [Employment Act 1980 \(c. 42\)](#), [Sch. 1 para. 3](#)  
**F7** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 16 Pt. III para. 1](#)

33 The provisions of paragraphs 24 to 26 and paragraph 28 above shall have effect in relation to the examination of a scheme under paragraph 32 above as they have effect in relation to the examination of a scheme under paragraph 23 above.

[<sup>F8</sup>33A The Certification Officer, on the application of a trade union or employers' association, may exempt any members' superannuation scheme which it maintains from the requirements of paragraph 32 above if he is satisfied that, by reason of the small number of members to which the scheme is applicable or for any other special reasons, it is unnecessary for the scheme to be examined in accordance with those requirements.]

**Textual Amendments**

- F8** [Sch. 2 paras. 33A, 33B](#) inserted by [Employment Act 1980 \(c. 42\)](#), [Sch. 1 para. 3](#)

33B The Certification Officer may at any time revoke any exemption granted under paragraph 33A above if it appears to him that the circumstances by reason of which the exemption was granted have ceased to exist; and for the purposes of paragraph 32 above the relevant date next following the revocation shall be such date as the Certification Officer may direct.

*Separate fund for members's superannuation scheme*

34 After the commencement of this Part of this Schedule no trade union or employers' association shall maintain a members' superannuation scheme which was not established before the commencement of this Part of this Schedule unless it maintains a separate fund for the payments of benefits in accordance with the scheme.

35 After the end of the period of five years beginning with the date on which paragraph 34 above comes into operation no trade union or employers' association shall maintain a members' superannuation scheme (whenever established) unless it maintains a separate fund for the payment of benefits in accordance with the scheme.

*Interpretation of Part II*

36 In this Part of this Schedule—

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- (a) “members’ superannuation scheme” means any scheme or arrangement made by or on behalf of a trade union or employers’ association (including any scheme or arrangement shown in the rules of a trade union or employers’ association) in so far as it provides for benefits to be paid by way of pension (including any widows’ or children’s pensions or dependants’ pensions) to or in respect of members or former members of the trade union or employers’ association and to be so paid either out of the funds (whether the general funds or any other fund) of the trade union or employers’ association or under any insurance scheme maintained out of those funds;
- (b) “appropriately qualified actuary” in relation to a trade union or employers’ association, means a person who is either a Fellow of the Institute of Actuaries or a Fellow of the Faculty of Actuaries or is approved by the [<sup>F9</sup>Certification Officer] on the application of the trade union or employers’ association as a person having actuarial knowledge; and
- (c) “separate fund” means a fund separate from the general funds of the trade unions or employers’ association.

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**Textual Amendments**

**F9** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 16 Pt. III para. 1](#)

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