



Small Business, Enterprise and Employment Act 2015

2015 CHAPTER 26

PART 11

EMPLOYMENT

Public sector exit payments

157 Power of Secretary of State to waive repayment requirement

- (1) The Secretary of State may waive the whole or any part of any repayment required by regulations made by the Treasury under section 154(1).
- (2) The Scottish Ministers may waive the whole or any part of any repayment required by regulations made by the Scottish Ministers under section 154(1).
- (3) A waiver may be given in respect of—
 - (a) a particular exit payee, or
 - (b) a description of exit payees.
- (4) The exit payments regulations made by the Treasury may—
 - (a) make provision for the power under subsection (1) to be exercisable on behalf of the Secretary of State by a prescribed person,
 - (b) make provision for a waiver to be given only—
 - (i) with the consent of the Treasury, or
 - (ii) following compliance with any directions given by the Treasury, and
 - (c) make provision as to the publication of information about any waivers given.
- (5) The exit payments regulations made by the Scottish Ministers may—
 - (a) make provision for the power under subsection (2) to be exercisable on behalf of the Scottish Ministers by a prescribed person,
 - (b) make provision for a waiver to be given only—

Status: This is the original version (as it was originally enacted).

- (i) with the consent of the Scottish Ministers, or
 - (ii) following compliance with any directions given by the Scottish Ministers,

(where provision is made by virtue of paragraph (a)), and

 - (c) make provision as to the publication of information about any waivers given.
- (6) The exit payments regulations made by the Treasury may make provision for the power conferred on the Secretary of State by subsection (1) to be exercised instead—
 - (a) by the Department of Finance and Personnel in Northern Ireland, in relation to qualifying exit payments made by responsible authorities who wholly or mainly exercise functions which could be conferred by provision included in an Act of the Northern Ireland Assembly made without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998);
 - (b) by the Welsh Ministers, in relation to qualifying exit payments made by responsible authorities who wholly or mainly exercise functions which could be conferred by provision falling within the legislative competence of the National Assembly for Wales (as defined in section 108 of the Government of Wales Act 2006).