STATUTORY INSTRUMENTS

1999 No. 608

EDUCATION, ENGLAND AND WALES

The Teachers (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations 1999

Made - - - - -	*5th March 1999*
Laid before Parliament	*9th March 1999*
Coming into force	
Regulations 1, 2 and 6	*31st March 1999*
Remainder	*1st April 1999*

The Secretary of State for Education and Employment, in exercise of the powers conferred by section 24 of, and paragraph 13 of Schedule 3 to, the Superannuation Act 1972**(a)**, with the consent of the Treasury**(b)**, hereby makes the following Regulations:–

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Teachers (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations 1999 and–

(a) this regulation and regulations 2 and 6 shall come into force on 31st March 1999 but regulation 6 shall have effect from 1st November 1998; and

(b) the remainder of these Regulations shall come into force on 1st April 1999.

(2) In these regulations "the principal regulations" means the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997**(c)**.

Amendment of principal regulations

2. The principal regulations shall be further amended in accordance with regulations 3 to 8.

3.—(1) In regulation 2(2) for the definition of "appropriate person" there shall be substituted the following definition–

" "appropriate person" means–

(a) before 1st September 1999–

(i) in the case of a person employed at an aided school within the meaning of section 32 of the 1996 Act or at a grant-maintained or grant-maintained special school, the local education authority, and

(ii) in the case of any other employee, the person by whom he was employed; and

(a) 1972 c. 11.
(b) *See* S.I. 1981/1670.
(c) S.I. 1997/311 as amended by S.I. 1998/2256.

(b) on and after 1st September 1999–

(i) in the case of a person employed at a foundation or voluntary aided school or a foundation special school within the meaning of section 20 of the School Standards and Framework Act 1998**(a)**, the local education authority; and

(ii) in the case of any other employee, the person by whom he was employed;".

(2) After paragraph (3) of that regulation there shall be inserted the following paragraph–

"(4) For the purposes of these regulations a grant-maintained or grant-maintained special school shall, before 1st September 1999, be treated as a school maintained by a local education authority.".

4. In regulation 3–

(a) in paragraph (3) for "paragraphs 1, 1A, 3" there shall be inserted "paragraphs 1 (as read with regulation 10 of the School Standards and Framework Act 1998 (Modification) Regulations 1998**(b)**), 1A";

(b) paragraph (4) shall be omitted;

(c) in paragraph (7)(a) for "section 115(b) of the 1996 Act (schools)" there shall be substituted "section 115(b) of the 1996 Act or section 49(7) of the School Standards and Framework Act 1998**(c)** (schools)"; and

(d) paragraph (7)(c) shall be omitted.

5. In regulations 5 and 6(1) for "section 139(1) to (4) of the 1996 Act" there shall be substituted "section 57(1) to (3) of the School Standards and Framework Act 1998".

6. In regulation 20(3)(b)**(d)** for "$\frac{T}{S}$" there shall be substituted "$\frac{T}{U}$".

7. In regulation 22 paragraph (7) shall be omitted.

8. In Schedule 1 the following shall be omitted from the three respective columns–

"C Governing Body Secretary of State".

Savings

9.—(1) Where before 1st April 1999–

(a) the governing body of a grant-maintained or grant-maintained special school had determined that a payment should be made to a person under regulation 5 or 6 of the principal regulations who had ceased to be employed by them before that date, but

(b) no such payment had been made before that date,

any payment which falls to be made under regulation 5 or 6 of the principal regulations pursuant to the determination shall be made by the governing body of the school despite the amendment to the definition of "appropriate person" made by regulation 3 above.

(2) Where before 1st April 1999–

(a) a person, who immediately before the date on which he ceased to hold his former employment had been employed at a grant-maintained or grant-maintained special school, had became entitled to compensation under regulation 7 or 12 of the principal regulations; and

(b) any payment of compensation arising from such entitlement had been made, or was due to have been made, under regulation 26 of the principal regulations,

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(a) 1998 c. 31.
(b) S.I. 1998/2670.
(c) 1998 c. 31; before 1st September 1999 a grant-maintained or grant-maintained special school is capable of having a delegated budget by virtue of regulation 3 of S.I. 1998/2670.
(d) Regulation 20(3)(b) was amended by S.I. 1998/2256.

regulations 3(7) and 22 of, and Schedule 1 to, the principal regulations shall apply in relation to the continued payment of such compensation without the amendments made by regulations 4, 7 and 8 above.

Charles Clarke
Parliamentary Under Secretary of State,
2nd March 1999 Department for Education and Employment

We consent

Jim Dowd
Clive Betts
Two of the Lords Commissioners of
5th March 1999 Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997 ("the principal regulations").

Regulations 3, 4, 5, 7 and 8 make amendments to the principal regulations (subject to savings in regulation 9) consequential on the new framework for maintained schools for which provision is made in Part II of the School Standards and Framework Act 1998.

Regulation 6 corrects an error in regulation 20 of the principal regulations (as amended by the Teachers (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations 1998).

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