
STATUTORY INSTRUMENTS

1996 No. 1935

EDUCATION, ENGLAND AND WALES

The Education (Reorganisation in Inner London) (Compensation) (Amendment and Modification) Regulations 1996

<i>Made</i>	- - - -	<i>18th July 1996</i>
<i>Laid before Parliament</i>		<i>29th July 1996</i>
<i>Coming into force</i>	- -	<i>21st August 1996</i>

In exercise of the powers conferred on the Secretary of State by section 24 of the Superannuation Act 1972(1) and with the consent of the Treasury(2), the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Reorganisation in Inner London) (Compensation) (Amendment and Modification) Regulations 1996 and shall come into force on 21st August 1996.

(2) Unless the context otherwise requires words and expressions used in these Regulations have the same meaning as in the Education (Reorganisation in Inner London) (Compensation) Regulations 1989(3) (“the principal Regulations”).

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with regulations 3 to 6 below.

3. In regulation 1(3), in the definition of “qualifying employment”, for the word “or” there shall be substituted a comma and after the words “City Literary Institute”(4) there shall be inserted the following words “or with a statutory corporation defined in paragraph (5)”.

4. After paragraph (4) of regulation 1, there shall be inserted the following paragraph—

“(5) A statutory corporation referred to in paragraph (3) is—

(1) 1972 c. 11.
(2) See S.I. 1981/1670.
(3) S.I. 1989/1139; amended by S.I. 1990/1433.
(4) Inserted by S.I. 1990/1433.

- (a) a governing body of a grant-maintained school or grant-maintained special school; or
- (b) a further education corporation established under section 15 or 16 of the Further and Higher Education Act 1992⁽⁵⁾,

which conducts a school or other institution, as the case may be, which immediately before it was conducted by that statutory corporation was maintained by ILEA or an inner London council within the meaning of Part III of the 1988 Act.”.

5. For paragraph (2) of regulation 9 (cessation of new employment) there shall be substituted the following paragraph—

“(2) If he becomes employed in a qualifying employment, and

- (a) is, or would if he had been dismissed by reason of redundancy have been, precluded by virtue of section 84 or 94 of the 1978 Act from receiving a redundancy payment; or
- (b) his continuity of employment is preserved,

compensation continues to be payable in accordance with regulation 8.”.

6. In regulation 11(2) (payment of compensation) after “(4)” there shall be inserted the words “and regulation 7(2) of the Education (Reorganisation in Inner London) (Compensation) (Amendment and Modification) Regulations 1996”.

Qualifying employment with the governing body of a grant-maintained school, a grant-maintained special school or a further education corporation

7.—(1) This regulation applies in cases where, before these Regulations come into force, the running of a person’s compensation period had been suspended or the start of the following compensation period had been postponed or both, in accordance with regulation 8(2) of the principal Regulations, for any period during which the person in question was no longer employed in a qualifying employment (as then defined in regulation 1(3) of the principal Regulations) but was employed by a statutory corporation defined in regulation 1(5) of the principal Regulations (as inserted by these Regulations), in circumstances where that person’s continuity of employment had been preserved.

(2) Where this regulation applies compensation shall be payable by the London Pensions Fund Authority⁽⁶⁾, within 6 months from the date that these Regulations come into force, to that person in accordance with regulation 8 of the principal Regulations (as modified by paragraph (3) below)—

- (a) in respect of the period referred to in paragraph (1) above; or
- (b) if payment in respect of that period would result in compensation being paid for more than 8 compensation periods, in respect of so much of it (beginning with the date that the running of a compensation period was first suspended or the start of a following compensation period postponed, whichever first occurred) as, having regard to the compensation that has already been paid in accordance with regulation 8 of the principal Regulations, will result in compensation being paid for no more than 8 compensation periods.

(3) Where this regulation applies, regulation 8(1) of the principal Regulations shall have effect as if in the definition of “C” there were inserted after “9(2)” the words “or in regulation 7 of the Education (Reorganisation in Inner London) (Compensation) (Amendment and Modification) Regulations 1996”.

(5) 1992 c. 13.

(6) For the transfer of compensation functions to the London Pensions Fund Authority *see* S.I. 1992/331.

15th July 1996

Robin Squire
Parliamentary Under Secretary of State,
Department for Education and Employment

We consent to the making of these Regulations

18th July 1996

Derek Conway
Simon Burns
Two of the Lords Commissioners of Her
Majesty's Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Reorganisation in Inner London) (Compensation) Regulations 1989 (“the principal Regulations”) which make provision for the payment of compensation in cases falling within section 173(1) and (2) of the Education Reform Act 1988 (c. 40) (certain persons suffering loss of employment with the Inner London Education Authority or the London Residuary Body, or loss or diminution of emoluments, attributable to provision made by or under Part III of that Act).

The definition of “qualifying employment” in regulation 1(3) is amended so as to include employment with the governing bodies of grant-maintained and grant-maintained special schools and with further education corporations. This amendment will confer entitlement to compensation under Part III of the principal Regulations (loss or diminution of emoluments) to persons who, having been employed by the Inner London Education Authority or the London Residuary Body, and who otherwise are entitled to compensation under that Part, are employed by the governing body of a grant-maintained school or a grant-maintained special school or by a further education corporation.

Specific provision is made in relation to periods of employment with such statutory corporations occurring before these Regulations come into force.