

*Draft Regulations laid before Parliament under section 161(4) of the Small Business, Enterprise and Employment Act 2015, for approval by resolution of each House of Parliament.*

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## DRAFT STATUTORY INSTRUMENTS

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**2020 No. 000**

# EMPLOYMENT

## The Restriction of Public Sector Exit Payments Regulations 2020

*Made - - - -*

*Coming into force in accordance with regulation 1(2)*

The Treasury make the following Regulations in exercise of the powers conferred by sections 153A(1), (2), (4) and (8)(a), 153B(1)(c), 153C(5) and 8(a) and 161(2) of the Small Business, Enterprise and Employment Act 2015(1).

A draft of these Regulations has been laid before Parliament and has been approved by a resolution of each House of Parliament in accordance with section 161(4) of that Act.

### **Citation and commencement**

1.—(1) These Regulations may be cited as the Restriction of Public Sector Exit Payments Regulations 2020.

(2) These Regulations come into force on the twenty first day after the day on which they are made.

### **Interpretation**

2. In these Regulations—

“the Act” means the Small Business, Enterprise and Employment Act 2015;

“ACAS” means the Advisory, Conciliation and Arbitration Service;

“ACAS Arbitration Scheme” means the arbitration scheme set out in the Schedule to the ACAS Arbitration (Great Britain) Order 2004(2);

“conciliation agreement” means any agreement to refrain from instituting or continuing legal proceedings where an ACAS conciliation officer has taken any action under any of sections 18A to 18C of the Employment Tribunals Act 1996(3);

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(1) [2015 c.26](#). Sections 153A, 153B and 153C were inserted by section 41(1) of the Enterprise Act [2016 \(c.12\)](#).

(2) [S.I. 2004/753](#).

(3) [1996 c.17](#). Sections 18A to 18C were added by the Enterprise and Regulatory Reform Act [2013 \(c.24\)](#), section 7(1).

- “exit payment” means a payment of a description prescribed in regulation 5(2);
- “exit payment cap” means the amount for the time being specified in section 153A(1) of the Act;
- “financial year” means each period of 12 months ending on 31 March;
- “fire and rescue authority” means the authority determined under section 1 or established under sections 2 or 4 of the Fire and Rescue Services Act 2004(4);
- “hours worked” by a person means the normal working hours in a period of a month the person is required to work under a contract of employment in respect of an employee or under the terms of appointment to an office in respect of an office-holder;
- “local authority” means–
- (a) a county council;
  - (b) in relation to Wales only, a county borough council;
  - (c) a district council;
  - (d) a London borough council;
  - (e) the Common Council of the City of London in its capacity as a local authority; or
  - (f) the Council of the Isles of Scilly;
- “redundancy” has the meaning in section 139 of the Employment Rights Act 1996(5);
- “relevant authority” means–
- (a) a body listed in the Schedule; or
  - (b) a body responsible for determining the level of remuneration payable to the holder of a public office listed in Part 2 of the Schedule;
- “relevant Minister” means either–
- (a) a Minister of the Crown; or
  - (b) in relation to a relevant Welsh exit payment, the Welsh Ministers;
- “relevant public sector exit” means a situation where–
- (a) an employee leaves the employment of a relevant authority listed in Part 1 of the Schedule; or
  - (b) an office-holder leaves an office listed in Part 2 of the Schedule;
- “relevant redundancy payment” means–
- (a) a payment to a person of statutory redundancy pay to which the person is entitled under section 135 of the Employment Rights Act 1996(6); or
  - (b) in a case where a person is not, solely as a result of section 159 of that Act, entitled to statutory redundancy pay, a payment to the person of an amount equivalent to the statutory redundancy pay to which the person would have been entitled but for section 159 of that Act;
- “salary” in respect of any employment or service in an office means the annual value of remuneration, including any benefit in kind, a person was entitled to receive under a contract of employment in respect of the employment or office or under the terms of appointment to

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(4) 2004 c.21. S.1 is moved under a new heading entitled “Fire and rescue authorities” by Policing and Crime Act 2017 (c. 3) Schedule 1(1), para.2.

(5) 1996 c.18. Section 139 was amended by paragraph 31 of Schedule 21 to the Education Act 2002 (c.32) and paragraph 41(4) of Schedule 2(2) to the Local Education Authorities and Children’s Service Authorities (Integration of Functions) Order 2010 S.I. 2010/1158.

(6) 1996 c.18.

an office in respect of the office, on the date that the person left the employment or ceased to hold the office;

“settlement agreement” means any agreement to refrain from instituting or continuing legal proceedings which satisfies the conditions in section 203(3) of the Employment Rights Act 1996(7);

“statutory redundancy pay” means an amount calculated in accordance with section 162 of the Employment Rights Act 1996(8);

### Restrictions on exit payments

3. Subject to regulations 5, 6 and 7—
  - (a) a relevant authority must not make an exit payment to a person which exceeds the exit payment cap in respect of a relevant public sector exit;
  - (b) where two or more relevant public sector exits occur in respect of the same person within any period of 28 consecutive days, the total amount of the exit payments made to that person in respect of those exits must not exceed the exit payment cap.
4. For the purposes of regulation 3(b), the exit payments are to be treated as having been paid in the following sequence—
  - (a) where the relevant public exits do not occur on the same day, in chronological order;
  - (b) in any other case, in the following order—
    - (i) in descending order of salary;
    - (ii) where the salaries are equal, in the descending order of hours worked;
    - (iii) where the salaries and hours worked are equal, in descending order of the person’s length of the service in the employment or as holder of the office; or
    - (iv) where the salaries, hours worked and length of service in the employment or as holder of the office are equal, in the order determined by the relevant Minister.

### Exit payments

5.—(1) In this regulation a reference to an exit payment made to a person includes a reference to an exit payment made in respect of that person to another person.

(2) The following descriptions of payment are exit payments, unless the payment falls within regulation 6—

- (a) subject to regulation 7, any payment on account of dismissal by reason of redundancy;
- (b) any payment to reduce or eliminate an actuarial reduction to a pension on early retirement or in respect to the cost to a pension scheme of such a reduction not being made;
- (c) any payment pursuant to an award of compensation under the ACAS arbitration scheme or a settlement or conciliation agreement;
- (d) any severance payment or ex gratia payment;
- (e) any payment in the form of shares or share options;
- (f) any payment on voluntary exit;
- (g) any payment in lieu of notice due under a contract of employment;
- (h) any payment to extinguish any liability to pay money under a fixed term contract;

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(7) 1996 c. 18.

(8) 1996 c. 18. Section 162 was amended by section 1(2)(a) of the Employment Rights (Dispute Resolution) Act 1998 (c.8), paragraph 1 of Schedule 9 to the Employment Relations Act 1999 (c.26) and S.I. 2006/1031.

- (i) any other payment, whether under a contract of employment or otherwise, in consequence of termination of employment or loss of office.

### Payments exempt from restriction

6. The following descriptions of payment are not exit payments—
- (a) any payment in respect of death in service;
  - (b) any payment in respect of incapacity as a result of accident, injury or illness;
  - (c) any payment under—
    - (i) rule B7(5A), Schedule 2 to the Firemen’s Pension Scheme Order 1992<sup>(9)</sup> where the relevant fire and rescue authority has determined that an individual be paid a lump sum;
    - (ii) rule 6, Part 3, Schedule 1 to the Firefighters’ Pension Scheme (England) Order 2006<sup>(10)</sup> where the relevant fire and rescue authority has determined that an individual should be retired with an early retirement pension initiated by that authority in accordance with the Addendum to the Fire and Rescue National Framework for England on firefighters’ fitness prepared in accordance with section 21 of the Fire and Rescue Services Act 2004<sup>(11)</sup>;
    - (iii) rule 6, Part 3, Schedule 1 to the Firefighters’ Pension Scheme (Wales) Order 2007<sup>(12)</sup> where the relevant fire and rescue authority has determined that an individual should be retired with an early retirement pension;
    - (iv) regulation 62 of the Firefighters’ Pension Scheme (England) Regulations 2014<sup>(13)</sup> where the relevant fire and rescue authority has determined that an individual should be retired with an early retirement pension initiated by that authority in accordance with the Addendum to the Fire and Rescue National Framework for England on firefighters’ fitness prepared in accordance with section 21 of the Fire and Rescue Services Act 2004<sup>(14)</sup>;
    - (v) regulation 71 of the Firefighters’ Pension Scheme (Wales) Regulations 2015 (employer initiated retirement)<sup>(15)</sup> where the relevant fire and rescue authority has determined that an individual should be retired with an early retirement pension initiated by the authority;
  - (d) any service award to a member of the judiciary in accordance with the determination of the Lord Chancellor dated 31 March 2006<sup>(16)</sup>;
  - (e) any payment in respect of annual leave due under a contract of employment but not taken;
  - (f) any payment in compliance with an order of a court or tribunal;
  - (g) any payment in lieu of notice due under a contract of employment that does not exceed one quarter of the relevant person’s salary.

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(9) *SI 1992/129*. Rule B7(5A), Schedule 2 was amended by the Firefighters’ Pension Scheme (Amendment) (No.2) (England) Order 2013/1392 Schedule 1 paragraph 2(i).

(10) Order 2006/3432. Pt 3 rule 6(4) inserted by the Firefighters’ Pensions Scheme (England) (Transitional and Consequential Provisions) Regulations 2015/589 Schedule 2 paragraph 3(f).

(11) *2004 c 21*. Section 21 was added by Policing and Crime Act 2017 (c. 3) Schedule 1(1) paragraph 9.

(12) Order 2007/1072. Pt 3 rule 6(4) inserted by the Firefighters’ Pension Scheme (Wales) (Transitional and Consequential Provisions) Regulations 2015/1016 Schedule.2 paragraph 3(f).

(13) *S.I. 2014/2848*. Regulation 62(3) added by the Firefighters’ Pension Scheme (England) (Transitional and Consequential Provisions) Regulations 2015/589 Schedule 1 paragraph 5(b).

(14) *2004 c.21*. Section 21 was added by the Policing and Crime Act 2017 c.3 Schedule Sch.1(1) paragraph 9.

(15) *S.I. 2015/622*. Regulation 71(3) added by the Firefighters’ Pension Scheme (Wales) (Transitional and Consequential Provisions) Regulations 2015/1016 Schedule 1 paragraph 5(b).

(16) A copy of the determination can be found at: [https://jac.judiciary.gov.uk/sites/default/files/sync/basic\\_page/moj\\_jupra\\_1993\\_scheme\\_guide\\_nov2014\\_web\\_3.pdf](https://jac.judiciary.gov.uk/sites/default/files/sync/basic_page/moj_jupra_1993_scheme_guide_nov2014_web_3.pdf).

### **Prohibition on reduction of statutory redundancy pay or equivalent**

7.—(1) A relevant authority must not reduce the amount of a relevant redundancy payment in respect of a relevant public sector exit.

(2) Accordingly, if—

- (a) a person is entitled to a relevant redundancy payment and one or more other exit payments in respect of a relevant public sector exit; and
- (b) the total amount of the exit payments in respect of the exit would exceed the exit payment cap,

the relevant authority must reduce the amount of one or more of the other exit payments.

(3) Where this regulation applies, a payment of a relevant redundancy payment by a relevant authority may cause the total amount of exit payments payable to the person to exceed the exit payment cap, but only if all other exit payments by the relevant authority to which the person would, but for these Regulations, have been entitled to have been reduced to zero.

### **Payments made in connection with early retirement**

8.—(1) Where these Regulations prevent a relevant authority from making an exit payment of the type described in regulation 5(2)(b) which exceeds the exit payment cap in respect of a person, the relevant authority must, as an alternative, make to that person or in respect of that person to another person, a payment of an amount not exceeding the amount of that exit payment.

(2) This regulation is subject to regulation 3(a).

### **Requirement to inform**

9.—(1) This regulation applies to a person—

- (a) who has left employment or office in circumstances amounting to a relevant public sector exit; and
- (b) who is entitled to receive an exit payment in respect of that relevant public sector exit.

(2) The person must on or as soon as reasonably practicable after the day on which the exit occurs inform in writing all relevant authorities of which the person is an employee or which are responsible for determining the level of remuneration payable to that person in respect of a public office listed in the Schedule of which the person is an office-holder —

- (a) that the person is entitled to an exit payment;
- (b) the type of exit payment;
- (c) the amount of the exit payment;
- (d) the date that the person left the employment or office to which the exit payment relates; and
- (e) the identity of the relevant authority that is obliged or otherwise undertakes to make the exit payment.

### **Relaxation of the restriction**

10. The power in section 153C(1) of the Act (relaxation of restriction) is exercisable, in relation to exit payments made by—

- (a) a devolved Welsh authority, by the Welsh Ministers instead of by a Minister of the Crown;
- (b) a local authority in England, by the full council of that local authority;
- (c) a fire and rescue authority in England, by the fire and rescue authority; and
- (d) the Greater London Authority, by the London Assembly.

**Power to relax to be exercised following compliance with Treasury directions or with consent**

11.—(1) The power in section 153C(1) of the Act must not, unless it is exercised with the consent of the Treasury, be exercised without compliance with any directions given by the Treasury applicable to the exercise of the power.

(2) This regulation does not apply in relation to payments made by a devolved Welsh authority.

**Duties to keep records and publication requirements in respect of relaxation of the restriction**

12.—(1) A person who exercises the power in section 153C(1) of the Act must keep a written record of—

- (a) the fact the power has been exercised;
- (b) the name of the person in respect of whom the power was exercised;
- (c) the amount and type of the exit payment in respect of which the power was exercised;
- (d) the date on which the power was exercised; and
- (e) the reasons why the power was exercised.

(2) A record under paragraph (1) must be kept for 3 years beginning with the day on which the decision is taken to exercise the power in section 153C(1) of the Act.

(3) At the end of each financial year in which the power in section 153C(1) of the Act was exercised, each relevant authority which has exercised the power must publish details of—

- (a) the amounts and types of exit payments made by the relevant authority in respect of which the power was exercised;
- (b) the dates on which the power was exercised; and
- (c) the reasons why the power was exercised.

*Name 1*

*Name 2*

Two of the Lords Commissioners of Her  
Majesty's Treasury

SCHEDULE

Regulation 2(a)

PART 1

PUBLIC SECTOR AUTHORITIES

England
A body corporate established pursuant to an order under section 67 of the Local Government Act 1985 <sup>(17)</sup>
A chief constable for an area in England
A clinical commissioning group established under section 14D of the National Health Service Act 2006 <sup>(18)</sup>
A combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 <sup>(19)</sup>
A county council or borough council in England
A Special Health Authority established under section 28 of the National Health Service Act 2006
A district council
A fire and rescue authority as determined under section 1 of the Fire and Rescue Services Act 2004 or established under sections 2 or 4 of that Act
A joint authority established under section 26 or 28 of the Local Government Act 1985
A joint board which is continued in being by virtue of section 263(1) of the Local Government Act 1972 <sup>(20)</sup> for an area in England
A London Borough Council
A National Health Service Foundation Trust authorised under section 35 of the National Health Service Act 2006
A National Park authority established by an order under section 63 of the Environment Act 1995 <sup>(21)</sup>
A National Health Service trust established under section 25 of National Health Service Act 2006 all or most of whose hospitals, establishments and facilities are situated in England
A parish council
A police and crime commissioner for a police area in England
A police force maintained under section 2 of the Police Act 1996 <sup>(22)</sup>
A port health authority

(17) 1985 c. 51.

(18) 2006 c. 41.

(19) 2009 c. 20.

(20) 1972 c. 70.

(21) 1995 c. 25.

(22) 1996 c. 16.

A waste disposal authority as defined by section 30(2) of the Environmental Protection Act 1990 <sup>(23)</sup>
Advisory, Conciliation and Arbitration Service
Agriculture and Horticulture Development Board
An economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009
Animal and Plant Health Agency
Architects Registration Board
Armed Forces Covenant Trust
Arts Council England
Assure Dialysis Services Limited
Attorney General's Office
Bank of England
Barnsley Hospital Support Services
BBC World Service and its subsidiaries
Big Lottery Fund
Birmingham Organising Committee for the 2022 Commonwealth Games Limited
Boundary Commission for England
Boundary Commission for Northern Ireland
Boundary Commission for Scotland
Boundary Commission for Wales
BPDTS Limited
British Broadcasting Corporation
British Business Bank Plc and its subsidiaries
British Council
British Film Institute
British Library
British Museum
British Screen Finance Limited
British Tourism Authority
British Transport Police Authority
British Wool Marketing Board
Cabinet Office
Canal and River Trust

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(23) 1990 c. 43.

Care Quality Commission
Centre for Environment, Fisheries and Aquaculture Science
Channel Four Television Corporation Limited
Charity Commission
Charter Trustees constituted under section 246(4)(a) of the Local Government Act 1972(24)of an area in England
Children and Family Court Advisory and Support Service
Churches Conservation Trust
City of London Police
Civil Aviation Authority
Civil Nuclear Police Authority
Civil Service Commission
Coal Authority
College of Policing
Commission for Local Administration in England
Committee on Climate Change
Common Council of the City of London in respect of its capacity as a local authority or police authority or port health authority
Commonwealth Development Corporation
Commonwealth Sponsorship Commission
Commonwealth War Graves Commission
Community Health Partnerships Limited
Companies House
Competition and Markets Authority
Competition Service
Construction Industry Training Board
Consumer Council for Water
Council of the Isles of Scilly
Covent Garden Market Authority
Criminal Cases Review Commission
Criminal Injuries Compensation Authority
Crossrail International
Crown Commercial Service
Crown Prosecution Service

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(24) 1972 c. 70.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Restriction of Public Sector Exit Payments Regulations 2020 No. 1122

D-Hive
Day Care UK LLP
Defence Electronics and Components Agency
Defence Equipment and Support
Defence Science and Technology Laboratory
Department for Business, Energy and Industrial Strategy
Department for Digital, Culture, Media and Sport
Department for Education
Department for Environment, Food and Rural Affairs
Department for International Development
Department for International Trade
Department for Transport
Department for Work and Pensions
Department of Health and Social Care
DfT OLR Holdings Limited
Direct Rail Services Limited
Directly Operated Railways Limited
Disclosure and Barring Service
Docklands Light Railway Limited
Dounreay Site Restoration Limited
Driver and Vehicle Licensing Agency
Driver and Vehicle Standards Agency
Dudley Clinical Services Limited
Duke of York's Royal Military School
East West Railway Company Limited
Education and Skills Funding Agency
Electricity Settlements Company Limited
Engineering Construction Industry Training Board
Enrichment Investments Limited
Enrichments Holdings Limited
Environment Agency
Equality and Human Rights Commission
Essentia Trading Limited
FCO Services

Financial Conduct Authority
Financial Ombudsman Service
Financial Reporting Council
First Rate Exchange Services Holdings Limited
Flood Re
Food Standards Agency
Foreign and Commonwealth Office
Forensic Science Service
Forestry Commission
Gambling Commission
Gangmasters and Labour Abuse Authority
Geffrye Museum
General Chiropractic Council
General Dental Council
General Medical Council
General Optical Council
General Osteopathic Council
General Pharmaceutical Council
Genomics England Limited
Government Actuary's Department
Government Equalities Office
Government Internal Audit Agency
Government Legal Department
Government Property Agency
Great Britain-China Centre
Greater London Authority
Groundwork UK
GTI Forces Healthcare Limited
Guy's and St Thomas' Enterprises Limited
Hampshire Hospitals Contract Services Limited
Health and Care Professions Council
Health and Safety Executive
Health and Social Care Information Centre
Health Education England

Health Research Authority
Healthcare Facilities
Healthwatch England
Her Majesty's Prison and Probation Service
Her Majesty's Revenue and Customs
High Speed Two (HS2) Limited
Highways England Company Limited
Historic England
Historic Royal Palaces Enterprises Limited
Historic Royal Palaces Trust
HM Courts & Tribunals Service
HM Land Registry
HM Treasury
Home Office
Homes England
Horniman Public Museum and Public Park Trust
Horserace Betting Levy Board
Horticultural Development Company Limited
Housing Ombudsman Service
Human Fertilisation and Embryology Authority
Human Tissue Authority
IFM Bolton
Imperial War Museum
Independent Commission for Aid Impact
Independent Office for Police Conduct
Independent Reconfiguration Panel
Information Commissioner's Office
Infrastructure and Projects Authority
Institute for Apprenticeships
Intellectual Property Office
International Nuclear Services Limited
Investigatory Powers Commissioner's Office
Investigatory Powers Tribunal
Jobcentre Plus

Joint Nature Conservation Committee
Judicial Appointments Commission
KCH Commercial Services
King's Interventional Facilities Management LLP
Leasehold Advisory Service
Lees Valley Regional Park Authority
Legal Aid Agency
Legal Services Board
Local Government Boundary Commission for England
Local Partnerships LLP
LocatED
London and Continental Railways
London Bus Services Limited
London River Services Limited
London Transport Museum (Trading) Limited
London Underground Limited
Low Carbon Contracts Company Limited
Low Level Waste Repository
Magnox Limited
Marine Management Organisation
Maritime and Coastguard Agency
Marshall Aid Commemoration Commission
Mayor's Office for Policing and Crime
Medicines and Healthcare products Regulatory Agency
Meteorological Office
Migration Advisory Committee
Ministry of Defence
Ministry of Housing, Communities and Local Government
Ministry of Justice
Money Advice Service
Money and Pensions Service
Monitor
Moorfields Ventures LLP
MRC Technology Limited

MyUCLH
National Archives
National Army Museum
National Audit Office
National Citizen Service
National Crime Agency
National Employment Savings Trust (NEST) Corporation
National Forest Company
National Gallery
National Heritage Memorial Fund
National Infrastructure Commission
National Institute for Health and Care Excellence
National Lottery Heritage Fund
National Maritime Museum
National Museum of the Royal Navy
National Museums Liverpool
National Nuclear Laboratory Limited
National Physical Laboratory
National Portrait Gallery
National Savings and Investments
Natural England
Natural History Museum
NDA Archives Limited
NDA Properties Limited
Network Rail Limited
NHS Digital
NHS England
NHS Improvement
NHS Professionals
NHS Property Services Limited
Northern Ireland Human Rights Commission
Northern Ireland Office
Northumbria Healthcare Facilities Limited
Northumbria Primary Care Cost Sharing Group Limited

Northumbria Primary Care Limited
Nuclear Decommissioning Authority
Odstock Medical Limited
Office for Budget Responsibility
Office for Communications Data Authorisations
Office for Legal Complaints
Office for National Statistics
Office for Nuclear Regulation
Office for Standards in Education, Children's Services and Skills
Office for Students
Office of Communications
Office of Gas and Electricity Markets
Office of Manpower Economics
Office of Qualifications and Examinations Regulations
Office of Rail and Road
Office of the Children's Commissioner
Office of the Commissioner for Public Appointments
Office of the Immigration Services Commissioner
Office of the Leader of the House of Commons
Office of the Leader of the House of Lords
Office of the Parliamentary Commissioner and Health Service Commissioners
Office of the Public Guardian
Office of the Registrar of Consultant Lobbyists
Oil and Gas Authority
Oil and Pipelines Agency
Optimus Health Limited
Ordnance Survey
Parades Commission for Northern Ireland
Parole Board
Pathology Services Limited
Pension Protection Fund
Pharmacy @QEBH Limited
Phone-paid Services Authority
Pool Re

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Port of London Authority
Porton Biopharma Limited
Post Office Limited
Professional Standards Authority for Health and Social Care
Prudential Regulation Authority
Public Health England
QEF
Queen Elizabeth II Conference Centre
Radioactive Waste Management Limited
Rail for London Limited
Regulator of Social Housing
Reserve Forces and Cadets Associations
Royal Air Force Museum
Royal Armouries
Royal Docks Management Authority
Royal Hospital Chelsea
Royal Mint
Royal Museums Greenwich
RSCH Pharmacy Limited
Rural Payments Agency
Salisbury Trading Limited
Science Museum Group
SCMG Enterprises Limited
Scotland Office
SDH Developments Limited
Sea Fish Industry Authority
Security Industry Authority
Sellafield Limited
Sentencing Council for England and Wales
Serious Fraud Office
Single Source Regulations Office
Sir John Soane's Museum
Small Business Commissioner
Social Work England

South Central Fleet Services Limited
South Tees Site Company Limited
South Tyneside Integrated Care Limited
Sport England
Sport Grounds Safety Authority
Sports Council Trust Company
Standards and Testing Agency
Stepping Hill Healthcare Enterprises Limited
STFT Holdings Limited
Student Loans Company
Submarine Delivery Agency
Supply Chain Coordination Limited
Supreme Court of the United Kingdom
Symphony Healthcare Services
Synchronicity Care Limited
Tate Gallery
Teaching Regulation Agency
Transport for London
The Academy Trust of a non-maintained special school that is an academy in England
The Board of Trustees of the Royal Botanic Gardens, Kew
The Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988(25)
The Commissioners of the Northern Lighthouses
The Crown Estate
The Ebbsfleet Development Corporation
The English Heritage Trust
The governing body as the employer of staff in community schools, community special schools, pupil referral units, maintained nursery schools, and voluntary controlled schools in England
The Insolvency Service
The Judicial Office
The local authority as the employer of staff in foundation schools, foundation special schools, and voluntary aided schools in England
The London Pensions Fund Authority
The Metropolitan Police Service
The NESTA Trust

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(25) 1988 c. 4.

The NHS Confederation
The Nursing and Midwifery Council
The Pensions Ombudsman/The Pension Protection Fund Ombudsman
The Pensions Regulator
The Planning Inspectorate
The proprietor of a non-maintained special school that is not an academy but is approved under section 342 of the Education Act 1996 <sup>(26)</sup> in England
The proprietor of Academies (as defined by section 1 of the Academies Act 2010 <sup>(27)</sup> ) covering academy schools, alternative provision academies, 16-19 academies, city technology colleges and city colleges for the technology of the arts in England
The Royal Parks
The S4C Welsh Fourth Channel
Tramtrack Croydon Limited
Transport Focus
Transport for the North
Tribunal Procedure Committee
Trinity House
UHB Facilities Limited
UHS Estates Limited
UHS Pharmacy Limited
UK Anti-Doping
UK Asset Resolution Limited
UK Atomic Energy Authority
UK Debt Management Office
UK Export Office
UK Government Investments Limited
UK Hydrographic Office
UK Research and Innovation
UK Shared Business Services Limited
UK Space Agency
UK Sport
UK Statistics Authority
United Kingdom Reserve Forces Association

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<sup>(26)</sup> 1996 c. 56.

<sup>(27)</sup> 2010 c. 32.

V&A Museum
Valuation Office Agency
Valuation Tribunal Service
Vehicle Certification Agency
Veterinary Medicines Directorate
Victoria Coach Station Limited
VisitBritain
Wales Office
Wallace Collection
Water Services Regulation Authority
WebV Solutions Limited
Westminster Foundation for Democracy
Wilton Park
Youth Justice Board for England and Wales
Wales
A community council in Wales established under Part II of the Local Government Act 1972
A county and county borough council established under section 20 of the Local Government Act 1972
A cross-border Special Health Authority/a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006(28)
A fire and rescue authority as determined under section 1 of the Fire and Rescue Services Act 2004(29)or established under sections 2 or 4 of that Act, for an area in Wales
A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006
A National Park Authority established by an order under section 63 of the Environment Act 1995 / National Park Authorities (Wales) Order (30)
An NHS trust established under section 18 of the National Health Service (Wales) Act 2006; all or most of whose hospitals, establishments and facilities are situated in Wales
Arts Council of Wales / Cyngor Celfyddydau Cymru
Cardiff International Airport Limited
Careers Choices Dewis Gyrfa Limited (Trading as Careers Wales)
Design Commission for Wales Limited / Comisiwn Dylunio Cymru
Development Bank of Wales plc / Banc Datblygu Cymru ccc
EAS (Education Achievement Service for South East Wales)
Education Workforce Council / Cyngor y Gweithlu Addysg

(28) 2006 c. 42.

(29) 2004 c. 21.

(30) S.I. 1995/2803.

Higher Education Funding Council for Wales / Cyngor Cyllido Addysg Uwch Cymru
Meat Promotion Wales Limited/ Hybu Cig Cymru Cyf
Industry Wales (Sector Development Wales Partnership Limited)
International Business Wales
Life Sciences Hub Wales Limited / Hwb Gwyddorau Iechyd Cymru
Local Democracy and Boundary Commission for Wales / Comisiwn Ffiniau a Democratiaeth Leol Cymru
National Academy for Educational Leadership / Academi Genedlaethol ar gyfer Arweinyddiaeth Addysgol
National Library of Wales / Llyfrgell Genedlaethol Cymru
National Museum Wales / Amgueddfa Cymru
Natural Resources Wales / Corff Adnoddau Naturiol Cymru
Qualifications Wales / Cymwysterau Cymru
Royal Commission on the Ancient and Historical Monuments of Wales / Comisiwn Brenhinol Henebion Cymru
Social Care Wales / Gofal Cymdeithasol Cymru
Sport Wales / Chwaraeon Cymru
Sports Council for Wales
The governing body as the employer of staff in Wales in foundation schools, voluntary aided schools, and foundation special schools
The local authority as the employer of staff in Wales in community schools, voluntary controlled schools, community special schools, and maintained nursery schools
The Planning Inspectorate / Yr Arolygiaeth Gynllunio
Transport for Wales / Trafnidiaeth Cymru
Wales Audit Office / Swyddfa Archwilio Cymru
Welsh Community Health Councils
Welsh Development Management Limited
Welsh Government / Llywodraeth Cymru
Welsh Revenue Authority / Awdurdod Cyllid Cymru
Scotland
Accountant in Bankruptcy
Crown Office and Procurator Fiscal Service
Disclosure Scotland
Drinking Water Quality Regulator
Education Scotland
Food Standards Scotland

Forestry and Land Scotland
HM Chief Inspectorate of Prisons in Scotland
HM Chief Inspectorate of Prosecution in Scotland
HM Fire Inspectorate in Scotland
HM Inspectorate of Constabulary in Scotland
National Records of Scotland
Office of the Queen’s Printer
Office of the Scottish Charity Regulator
Registers of Scotland
Revenue Scotland
Scottish Courts and Tribunal Service
Scottish Fiscal Commission
Scottish Forestry
Scottish Government
Scottish Housing Regulator
Scottish Prison Service
Scottish Public Pensions Agency
Social Security Scotland
Student Awards Agency for Scotland
Transport Scotland

Regulation 2(b)

## PART 2 OFFICES

England
A chief constable
A Local Commissioner in England as defined by section 23(3) of the Local Government Act 1974 <sup>(31)</sup>
A police and crime commissioner
An officer of a police force maintained under section 2 of the Police Act 1996
Biometrics Commissioner
Certification Officer

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(31) [1974 c. 7.](#)

Chairman of the Criminal Injuries Compensation Board
Chairman of the Parole Board
Chief Surveillance Commissioner
Children’s Commissioner
Commissioner for Countering Extremism
Commissioner for Public Appointments
Deputy Immigration Services Commissioner
Deputy Investigatory Powers Commissioner
Groceries Code Adjudicator
HM Chief Inspector of Constabulary and Fire & Rescue Services
HM Chief Inspector of Education, Children’s Services and Skills
HM Chief Inspector of Prisons
HM Chief Inspector of Probation
HM Crown Prosecution Service Inspectorate
HM Inspectors of Constabulary and Fire & Rescue Services
Independent Chief Inspector of Borders and Immigration
Independent Family Returns Panel
Independent Monitor for the purposes of Part 5 of the Police Act 1997
Interception of Communications Commissioner
Investigatory Powers Commissioner
Judicial Appointments and Conduct Ombudsman
Local Government and Social Care Ombudsman
London Fire Commissioner
Ministers of the Crown
Office of the Assessor of Compensation for Miscarriages of Justice
Parliamentary and Health Service Ombudsman
Pubs Code Adjudicator
Regulator of Community Interest Companies
The Adjudicator’s Office
The Chairman of the Forestry Commission
The Chief Coroner
The Commissioner of Police for the City of London
The Commissioner of Police of the Metropolis
The First Civil Service Commissioner

The Forensic Science Regulator
The Immigration Services Commissioner
The Independent Anti-Slavery Commissioner
The Independent Reviewer of Terrorism Legislation
The Intelligence Services Commissioner
The Judge Advocate General
The Legal Ombudsman
The Office of the person appointed under sections 47H(4), 127H(4), 195H(4) and 290(8) of the Proceeds of Crime Act 2002(32)
The Official Solicitor
The Pensions Ombudsman
The Prisons and Probation Ombudsman
The Qualifications and Examinations Regulators
The Registrar of Consultant Lobbyists
The Registrar of Public Lending Right
The Service Complaints Ombudsman
The Social Fund Commissioner for Great Britain
The Surveillance Camera Commissioner
Victims' Commissioner
Wales
Children's Commissioner for Wales /Comisiynydd Plant Cymru
Her Majesty's Chief Inspector of Education and Training in Wales/Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru
Older People's Commissioner for Wales/Comisiynydd Pobl Hyn Cymru
The Auditor General for Wales/Archwilydd Cyffredinol Cymru
The Future Generations Commissioner for Wales/Comisiynydd Cenedlaethau'r Dyfodol Cymru
The Public Services Ombudsman for Wales/Ombwdsmon Gwasanaethau Cyhoeddus Cymru
Welsh Language Commissioner/Comisiynydd y Gymraeg
Scotland
Accountant in Bankruptcy
Accountant of Court
Assistant Inspector of the Scottish Fire and Rescue Service
Auditor of the Court of Session
Auditor of the Sheriff Appeal Court

(32) 2002 c. 29.

Chief Dental Office of the Scottish Administration
Clerk of the Sheriff Appeal Court
Depute, Assistant or other Clerk in the Justiciary Office of the High Court of Justiciary
Deputy Clerk of the Sheriff Appeal Court
Drinking Water Quality Regulator for Scotland
Her Majesty's Chief Inspector of Prisons for Scotland
Keeper of the Records of Scotland
Keeper of the Registers of Scotland
Macer in the Court of Session and Macer in the High Court of Justiciary
Offices in the Scottish Administration which are not ministerial offices (read in accordance with section 126(8) of the Scotland Act 1998 <sup>(33)</sup> )
Principal Clerk of Justiciary
Principal Clerk of Session and other Clerks or Officers of the Court of Session
Procurator Fiscal
Procurator Fiscal Depute
Queen's Printer for Scotland
Registrar General of Births, Deaths and Marriages for Scotland
Registrar of Independent Schools
Rent Officer
Sheriff Clerk
Sheriff Clerk Depute
Social Work Inspector
The Queen's and Lord Treasurer's Remembrancer

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations restrict a body listed in the Schedule from making a payment of a prescribed description ("exit payment") exceeding the amount specified in section 153A Small Business, Enterprise and Employment Act 2015 (2015 c.26) ("the cap") to an employee or office holder in consequence of leaving employment or office ("an exit") except in the circumstances set out in these Regulations. The cap amount is currently £95,000.

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(33) 1998 c. 46.

Regulation 3 sets out when the restriction applies in relation to an exit payment, or exit payments arising from multiple exits occurring in a period of 28 consecutive days.

Regulation 4 sets out the sequence in which multiple exit payments are treated as having been paid.

Regulation 5 sets out the types of exit payments that are subject to the restriction and regulation 6 sets out the description of payments that are exempt from the restriction.

Regulation 7 imposes an obligation not to reduce the amount of a statutory redundancy payment or the equivalent payment paid to civil servants or employees of certain prescribed public offices.

Regulation 8 imposes an obligation on a prescribed body to make an alternative type of payment in the event it is prevented from making a payment relating to early retirement by these Regulations.

Regulation 9 imposes an obligation on a person entitled to receive an exit payment to inform other employers or specified bodies in relation to holder of an office of prescribed matters.

Regulations 10 and 11 set the circumstances in which the restriction to make an exit payment in excess of the cap amount may be relaxed and regulation 12 imposes a duty on the body relaxing the restriction to keep records and publish details of prescribed matters.

A full impact assessment has not been provided for these Regulations as no, or no significant impact on the private, voluntary or public sectors is foreseen.