



# Small Business, Enterprise and Employment Act 2015

## 2015 CHAPTER 26

### PART 11

#### EMPLOYMENT

##### *Public sector exit payments*

#### **[<sup>F1</sup>153C Power to relax restriction on public sector exit payments**

- (1) A Minister of the Crown may relax any restriction imposed by regulations made by the Treasury under section 153A.
- (2) The Scottish Ministers may relax any restriction imposed by regulations made by the Scottish Ministers under section 153A.
- (3) The Welsh Ministers may relax any restriction imposed by regulations made by the Welsh Ministers under section 153A.
- (4) A requirement may be relaxed—
  - (a) in respect of a particular employee or office-holder or a description of employees or office-holders;
  - (b) in relation to the whole or any part of an exit payment, or a description of exit payments.
- (5) Regulations under section 153A made by the Treasury may—
  - (a) make provision for the power under subsection (1) to be exercisable on behalf of a Minister of the Crown by a person specified in the regulations;
  - (b) except in relation to exit payments made by a [<sup>F2</sup>devolved Welsh authority], make provision for a requirement to be relaxed only—
    - (i) with the consent of the Treasury, or
    - (ii) following compliance with any directions given by the Treasury;

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*Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 153C. (See end of Document for details)*

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- (c) make provision as to the publication of information about any relaxation of a requirement granted.
- (6) Regulations under section 153A 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 person specified in the regulations;
  - (b) where provision is made by virtue of paragraph (a), make provision for a requirement to be relaxed only—
    - (i) with the consent of the Scottish Ministers, or
    - (ii) following compliance with any directions given by the Scottish Ministers;
  - (c) make provision as to the publication of information about any relaxation of a requirement granted.
- (7) Regulations under section 153A made by the Welsh Ministers may—
- (a) make provision for the power under subsection (3) to be exercisable on behalf of the Welsh Ministers by a person specified in the regulations;
  - (b) where provision is made by virtue of paragraph (a), make provision for a requirement to be relaxed only—
    - (i) with the consent of the Welsh Ministers, or
    - (ii) following compliance with any directions given by the Welsh Ministers;
  - (c) make provision as to the publication of information about any relaxation of a requirement granted.
- (8) Regulations made by the Treasury under section 153A(1)—
- (a) must, if they make provision in relation to exit payments made by a [<sup>F3</sup>devolved Welsh authority], provide for the power conferred on a Minister of the Crown by subsection (1) to be exercised instead by the Welsh Ministers in relation to those exit payments;
  - (b) may provide for the power conferred on a Minister of the Crown by subsection (1) to be exercised instead by the Welsh Ministers in relation to exit payments made by any other authority who is not a [<sup>F4</sup>devolved Welsh authority] but who wholly or mainly exercises functions in relation to Wales (but this does not limit the provision that may be made under subsection (5) (a)).
- (9) In this section—
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
- [<sup>F5</sup>“devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).]

#### Textual Amendments

- F1** Ss. 153A-153C inserted (1.2.2017) by [Enterprise Act 2016 \(c. 12\)](#), **ss. 41, 44(4)(b)**; S.I. 2017/70, reg. 2(b)
- F2** Words in s. 153C(5)(b) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 109(2)** (with [Sch. 7 paras. 1, 6](#)); S.I. 2017/1179, reg. 3(r)
- F3** Words in s. 153C(8)(a) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 109(2)** (with [Sch. 7 paras. 1, 6](#)); S.I. 2017/1179, reg. 3(r)

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- F4** Words in s. 153C(8)(b) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 109\(2\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(r\)](#)
- F5** Words in s. 153C(9) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 109\(3\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(r\)](#)

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**Modifications etc. (not altering text)**

- C1** S. 153C(1): transfer of functions (4.11.2020) by [The Restriction of Public Sector Exit Payments Regulations 2020 \(S.I. 2020/1122\)](#), regs. 1(2), **10** (with reg. 11)

**Changes to legislation:**

There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 153C.