



Small Business, Enterprise and Employment Act 2015

2015 CHAPTER 26

PART 11

EMPLOYMENT

Public sector exit payments

154 Regulations in connection with [^{F1}repayment of] public sector exit payments

- (1) Regulations may make provision requiring the repayment of some or all of any qualifying exit payment in qualifying circumstances (see section 155).
- (2) The regulations may make such other provision in connection with the repayment mentioned in subsection (1) as the person making the regulations thinks fit.
- (3) A qualifying exit payment is a payment of a prescribed description—
 - (a) made to an employee of a prescribed public sector authority in consequence of the employee leaving employment, or
 - (b) made to a holder of a prescribed public sector office in consequence of the office holder leaving office.
- (4) The descriptions of payment which may be prescribed by virtue of subsection (3) include—
 - (a) any payment on account of dismissal by reason of redundancy (read in accordance with section 139 of the Employment Rights Act 1996),
 - (b) any payment on voluntary exit,
 - (c) any payment to reduce or eliminate an actuarial reduction to a pension on early retirement [^{F2}or in respect of the cost to a pension scheme of such a reduction not being made] ,
 - (d) any severance payment or other ex gratia payment,

Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 154. (See end of Document for details)

- (e) any payment in respect of an outstanding entitlement (such as to annual leave or an allowance),
 - (f) any payment of compensation under the terms of a contract,
 - (g) any payment in lieu of notice, and
 - (h) any payment in the form of shares or share options.
- (5) If more than one qualifying exit payment is payable to an employee or office holder the provision made in the exit payments regulations is to apply in relation to the aggregated payments.
- (6) For the purposes of this section and sections 155 and 157—
 an “exit payee” is an employee or office holder to whom any qualifying exit payment is payable,
 the “exit payments regulations” are regulations under subsection (1),
 a “responsible authority” means an authority by which any qualifying exit payments are payable, and
 “prescribed” means prescribed by the exit payments regulations.
- [^{F3}(7) In this section a reference to a payment made to a person includes a reference to a payment made in respect of that person to another person.]

Textual Amendments

- F1** Words in s. 154 heading inserted (1.2.2017) by [Enterprise Act 2016 \(c. 12\)](#), s. 44(4)(b), **Sch. 6 para. 1(c)**; [S.I. 2017/70](#), reg. 2(c)
- F2** Words in s. 154(4)(c) inserted (1.2.2017) by [Enterprise Act 2016 \(c. 12\)](#), s. 44(4)(b), **Sch. 6 para. 1(a)**; [S.I. 2017/70](#), reg. 2(c)
- F3** S. 154(7) inserted (1.2.2017) by [Enterprise Act 2016 \(c. 12\)](#), s. 44(4)(b), **Sch. 6 para. 1(b)**; [S.I. 2017/70](#), reg. 2(c)
-

Commencement Information

- I1** S. 154 in force at 1.1.2016 by [S.I. 2015/2029](#), reg. 2(b)

Changes to legislation:

There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 154.