



Small Business, Enterprise and Employment Act 2015

2015 CHAPTER 26

PART 11

EMPLOYMENT

Public sector exit payments

155 Section 154(1): further provision

- (1) For the purposes of section 154(1) circumstances are qualifying circumstances if—
- (a) an exit payee becomes—
 - (i) an employee or a contractor of a prescribed public sector authority, or
 - (ii) a holder of a prescribed public sector office,
 - (b) less than one year has elapsed between the exit payee leaving the employment or office in respect of which a qualifying exit payment is payable and the event mentioned in paragraph (a), and
 - (c) any other prescribed conditions are met.
- (2) The exit payment regulations may, in particular, make provision—
- (a) exempting an exit payee from the requirement to repay in the prescribed circumstances;
 - (b) exempting some or all of a qualifying exit payment from that requirement in the prescribed circumstances;
 - (c) for the amount required to be repaid to be tapered according to the time which has elapsed between an exit payee leaving employment or office and the event mentioned in subsection (1)(a);
 - (d) imposing duties, in connection with a qualifying exit payment, on—
 - (i) an exit payee,
 - (ii) a responsible authority, and

Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 155. (See end of Document for details)

- (iii) a subsequent authority;
 - (e) as to the arrangements required to be made by an exit payee to repay to a responsible authority the amount of a qualifying exit payment required to be repaid;
 - (f) for preventing an exit payee from becoming an employee or a contractor, or a holder of a public sector office, as mentioned in subsection (1)(a) until the arrangements required by virtue of paragraph (e) have been made;
 - (g) as to the consequences of an exit payee failing to repay the amount required to be repaid (including the dismissal of the exit payee).
- (3) In subsection (2)(d)(iii) a “subsequent authority” means—
- (a) in relation to an exit payee who becomes an employee or a contractor, a public sector authority of which the exit payee becomes an employee or a contractor, or
 - (b) in relation to an exit payee who becomes a holder of a public sector office, an authority which is responsible for the appointment.
- (4) For the purposes of this section an exit payee becomes a contractor of a public sector authority if the exit payee provides services to the authority under a contract for services.

Commencement Information

II S. 155 in force at 1.1.2016 by [S.I. 2015/2029](#), [reg. 2\(b\)](#)

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