
STATUTORY INSTRUMENTS

1989 No. 1139

The Education (Reorganisation in Inner London) (Compensation) Regulations 1989

PART II

LOSS OF EMPLOYMENT

Compensation where redundancy is certified

3.—(1) This regulation applies to a person if—

- (a) when his former employment was terminated he had attained the age of 50 but had not attained the age of 65 and was qualified by service, and
- (b) LRB have certified that the employment was terminated by reason of redundancy,

but if his former employment was not employment in which he was a pensionable employee within the meaning of the 1986 Regulations or pensionable employment within the meaning of the 1988 Regulations he may, within 13 weeks after being notified that LRB have certified as mentioned in sub-paragraph (b), by giving written notice to LRB elect that this regulation is not to apply to him.

(2) A person is qualified by service—

- (a) where his former employment was employment in local government, if the total of his reckonable service and any qualifying service (within the meaning of the 1986 Regulations) is, or would but for a relevant disqualification have been, not less than 5 years, and
- (b) where his former employment was employment in education, if he has, or but for an election under regulation B6 of the 1988 Regulations would have, completed a qualifying period (within the meaning of regulation E3 of those Regulations) of at least 5 years.

(3) Subject to paragraph (6), where this regulation applies the like compensation is payable as would, on the required assumptions, have been payable under the relevant provisions.

(4) Where the former employment was employment in local government, the relevant provisions are those of the 1982 Regulations and Part II of the 1984 Regulations and the required assumptions are—

- (a) that the 1982 Regulations apply with the modifications set out in Part I of the Schedule to these Regulations,
- (b) that the person is an eligible person within the meaning of the 1982 Regulations, and
- (c) that he is required—
 - (i) unless he elects to be credited with a shorter period, to be credited with the maximum period of additional service under regulation 5 of the 1982 Regulations, and
 - (ii) if he is entitled to a redundancy payment, to be paid the maximum compensation under Part II of the 1984 Regulations.

(5) Where the former employment was employment in education, the relevant provisions are those of the 1989 Regulations and the required assumptions are—

- (a) that the 1989 Regulations apply with the modifications set out in Part II of the Schedule to these Regulations,
- (b) that the person is an eligible teacher within the meaning of the 1989 Regulations, and
- (c) that he is required—
 - (i) unless he elects to be credited with a shorter period, to be credited with the maximum period of service under regulation 6 of the 1989 Regulations, and
 - (ii) if he is entitled to a redundancy payment, to be paid the maximum compensation under regulation 5 of those Regulations.

(6) In the case of a woman who would have been entitled to a redundancy payment but for section 82(1)(b) of the 1978 Act (attainment of the age of 60), paragraphs (4)(c)(ii) and 5(c)(ii) do not apply and she is instead entitled to compensation equal to the redundancy payment to which she would have been entitled if the 1978 Act had applied with the modifications set out in paragraphs 11, 12(c) and 13 of the Schedule.

Compensation in other cases of redundancy

- 4.—(1) A person who is entitled to a redundancy payment and who on the relevant date—
- (a) had not attained the age of 41, and
 - (b) had been employed in relevant local government service for 5 years or more,
- is entitled to compensation of the amount specified in paragraph (2).
- (2) The amount mentioned in paragraph (1) is the difference between—
- (a) the redundancy payment, and
 - (b) 2 weeks' pay (calculated as if Schedule 14 to the 1978 Act, except paragraph 8, had applied) for each year of relevant local government service in which he was not below the age of 18.
- (3) A person who is entitled to a redundancy payment and who on the relevant date—
- (a) had not attained the age of 41, and
 - (b) had not been employed in relevant local government service for 5 years or more,
- is entitled to compensation of the amount specified in paragraph (4).
- (4) The amount mentioned in paragraph (3) is the difference between—
- (a) the redundancy payment, and
 - (b) the redundancy payment to which he would have been entitled if the 1978 Act had applied with the modification set out in paragraph 13 of the Schedule.
- (5) A person who is entitled to a redundancy payment and—
- (a) who on the relevant date had attained the age of 41, and
 - (b) to whom regulation 3 does not apply,
- is entitled to compensation of the amount specified in paragraph (6).
- (6) The amount mentioned in paragraph (5) is the difference between—
- (a) the redundancy payment, and
 - (b) the redundancy payment to which he would have been entitled if the 1978 Act had applied with the modifications set out in paragraphs 12 and 13 of the Schedule.
- (7) A woman who would have been entitled to a redundancy payment but for section 82(1)(b) of the 1978 Act is entitled to compensation of the amount specified in paragraph (8).

(8) The amount mentioned in paragraph (7) is that of the redundancy payment to which she would have been entitled if the 1978 Act had applied with the modifications set out in Part III of the Schedule.

Date for certain calculations

5. In the case of a person who immediately before 1st April 1990 is in employment with ILEA, in making any calculation for the purposes of regulation 3(4)(c)(ii) or (5)(c)(ii) or regulation 4(2)(b), (4)(b), (6)(b) or (8) the calculation date for the purposes of Part II of Schedule 14 to the 1978 Act is to be taken to be 31st March 1990.