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STATUTORY INSTRUMENTS

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**1994 No. 1059**

**EDUCATION, ENGLAND AND WALES**

**The Teachers (Compensation for Redundancy and  
Premature Retirement) (Amendment) Regulations 1994**

<i>Made</i>	- - - -	<i>12th April 1994</i>
<i>Laid before Parliament</i>		<i>13th April 1994</i>
<i>Coming into force</i>	- -	<i>1st May 1994</i>

The Secretary of State, in exercise of the powers conferred by section 24 of the Superannuation Act 1972(1), with the consent of the Treasury(2), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Teachers (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations 1994 and shall come into force on 1st May 1994.

**Amendment**

2. The Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1989(3) shall be amended as follows.

**Definitions**

3. In regulation 2(2) there shall be inserted at the appropriate place in alphabetical order the following definition—

““grant-maintained school” means a school conducted by a governing body incorporated under Part II of the Education Act 1993(4), or Chapter IV of Part I of the 1988 Act, for the purpose of conducting the school(5);”.

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(1) 1972 c. 11.

(2) See S.I. 1981/1670.

(3) S.I. 1989/298.

(4) 1993 c. 35.

(5) Section 221(4) of the Education Act 1993 provides that references in any enactment to grant-maintained schools include schools conducted by education associations established under section 218 of that Act.

## Relevant employment

### 4. In regulation 3–

- (a) in paragraph (3) after “3” there shall be inserted “3A”(6) and after “5” there shall be inserted “, 5A”(7);
- (b) in paragraph (4) for the words “school” to the end there shall be substituted the words “grant–maintained school”;
- (c) in paragraph (5) after “5” there shall be inserted “or 5A”;
- (d) in paragraph (7)(c) for the words “school” to the end there shall be substituted the words “grant–maintained school or grant–maintained special school”; and
- (e) in paragraph (7) after sub–paragraph (g) there shall be inserted the following sub–paragraph–
  - “(h) category H comprises relevant employment at an institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992(8).”.

## Persons to whom the Regulations apply

### 5. In regulation 4 for sub–paragraph (b) of paragraph (4) there shall be substituted the following sub–paragraph–

- “(b) (i) he then had completed a qualifying period, within the meaning of regulation E3 of the Superannuation Regulations, of at least 5 years, or
- (ii) in the case of a person who was in full–time employment, he would have completed such a qualifying period if he had not made an election under regulation B6 of the Superannuation Regulations, or
- (iii) in the case of a person who was in part–time employment, he would have completed such a qualifying period if he had made an election under regulation B2 of the Superannuation Regulations,”.

## Compensation on death

### 6. In regulation 9(3) (short–term compensation on death) for “16(4)” there shall be substituted “16(3)”.

### 7. In regulation 10(7) (long–term compensation on death) after the word “left” there shall be inserted the word “out”.

### 8. In regulation 11 (duration of compensation on death) for paragraph (1) there shall be substituted the following paragraphs–

- “(1) Subject to paragraphs (1A) and (4), a person’s short–term compensation under regulation 9 is payable from the day after that of the death, and the duration of the short–term compensation payable shall be ascertained from the table below.

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(6) Paragraph 3A was inserted in the Superannuation Regulations (S.I. 1988/1652) by S.I. 1994/1058.

(7) Paragraph 5A was inserted in the Superannuation Regulations (S.I. 1988/1652) by S.I. 1993/114.

(8) 1992 c. 13.

TABLE

Category	Person entitled to short-term compensation	Duration of compensation (months)
1	Spouse or nominated beneficiary but with no child	3
2	Spouse or nominated beneficiary but with one child or more	6
3	No spouse or nominated beneficiary but one child or more	6

(1A) On the death of a spouse or nominated beneficiary before the termination of the short-term compensation payable under Category 2 of the table in paragraph (1), the balance of compensation is payable to the child or children as the case may be.”

**Liability for compensation**

9. In regulation 17(3)(a) and (5)(a) for “or G”, there shall be substituted “, G or H”.

**Deciding and compensating authorities**

10. In the first column of the table in Part I of the Schedule after “G”, there shall be inserted “, H”.

30th March 1994

*John Patten*  
Secretary of State for Education

We consent

12th April 1994

*Tim Wood*  
*Timothy Kirkhope*  
Two of the Lords Commissioners of Her Majesty’s Treasury

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

These Regulations amend the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1989 (“the 1989 Regulations”).

Regulation 5 amends regulation 4 of the 1989 Regulations to widen the categories of persons who can be “eligible teachers” for the purposes of Parts III to V of those Regulations. A person in part-time employment who would have completed a qualifying period (within the meaning of regulation E3 of the Teachers' Superannuation (Consolidation) Regulations 1988 (“the Superannuation Regulations”)) had he elected under regulation B2 of those Regulations for his employment to be treated as pensionable employment is now capable of being an “eligible teacher”. A person must be an “eligible teacher” if he is to be eligible for compensation for premature retirement under the 1989 Regulations.

Certain consequential amendments are made to the 1989 Regulations to bring them into line with the Superannuation Regulations as amended. Other consequential amendments are made to reflect the introduction of grant-maintained special schools, new methods of incorporation for the governing bodies of grant-maintained schools and recent changes that have taken place within the further and higher education sectors. In particular, a new category H is introduced for relevant employment at an institution within the further education sector.