
STATUTORY INSTRUMENTS

1996 No. 2317

The Teachers (Compensation for Premature Retirement and Redundancy) (Scotland) Regulations 1996

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Supply of information

17. A person to whom compensation is payable in accordance with these Regulations shall—
- (a) furnish all such information as the employing authority may at any time reasonably require and shall verify that information in such manner, including the production of documents in his possession or control, as may be reasonably so required; and
 - (b) where he is a designated teacher, not later than one month after his entering or ceasing to hold a new employment, give his employing authority written notification of that fact.

Procedure for payment of compensation

18.—(1) Compensation (other than lump sum compensation) which is payable to a person under Part II of these Regulations shall be payable at intervals equivalent to those at which his retirement pension, or as the case may be short-term or long-term pension, is payable under the Superannuation Regulations, or would be payable were he entitled to such pension, or at such other intervals as may be agreed between him and the employing authority.

(2) Subject to any statutory provision in that behalf, any compensation payable under these Regulations shall be payable to, or in trust for, the person entitled to receive the compensation and shall not be assignable.

(3) Without prejudice to any other right of recovery, any compensation paid in error may be recovered by the employing authority by deduction from any compensation payable under these Regulations.

Paying authority

19.—(1) Subject to paragraph (2), compensation payable to any person by virtue of these Regulations shall be paid by the employing authority.

(2) Where a teacher was formerly employed in one of the educational establishments listed in paragraphs 2 to 6, or in paragraph 8, of Schedule 1, the Secretary of State shall, on closure of that establishment, become liable to meet the cost of compensation, except where—

- (a) the board of management of an educational establishment referred to in paragraph 5 of Schedule 1 is dissolved by an order made under section 25 of the Further and Higher Education (Scotland) Act 1992(1); or

(b) the governing body of an educational establishment referred to in paragraph 6 of Schedule 1 is dissolved by an order made under section 47 of that Act, and the order provides for transfer to any person or body of the liability to pay the compensation.

(3) For the purposes of paragraph (2) the date of closure—

- (a) of an educational establishment referred to in paragraph 2 of Schedule 1 shall be the date on which the board of management ceases to manage the school and the Secretary of State's duty to maintain the school ceases in accordance with section 31 of the Self-Governing Schools etc. (Scotland) Act 1989(2) or, if earlier, the date on which the Secretary of State ceases to maintain the school in accordance with section 33 of that Act;
- (b) of an educational establishment referred to in paragraph 3 of Schedule 1 shall be the date on which the establishment no longer requires to be registered under Part IV of the Social Work (Scotland) Act 1968(3);
- (c) of the educational establishment referred to in paragraph 4 of Schedule 1 shall be the date on which the school ceases to be a grant-aided school as defined in section 135(1) of the Education (Scotland) Act 1980(4);
- (d) of an educational establishment referred to in paragraph 5 of Schedule 1 shall be the date with effect from which the board of management of the establishment is dissolved by an order made under section 25 of the Further and Higher Education (Scotland) Act 1992;
- (e) of an educational establishment referred to in paragraph 6 of Schedule 1 shall be the date with effect from which the governing body of the establishment is dissolved by an order made under section 47 of the Further and Higher Education (Scotland) Act 1992; and
- (f) of the educational establishment referred to in paragraph 8 of Schedule 1 shall be such date as that establishment is dissolved.

Revocations and transitional provisions

20.—(1) The regulations specified in Schedule 5 are hereby revoked to the extent specified in that Schedule.

(2) Anything done under or by virtue of any provision of the 1980 Regulations or Part II of the 1984 Regulations shall be deemed to have been done under or by virtue of the corresponding provision of these Regulations and anything begun under the 1980 Regulations or Part II of the 1984 Regulations may be continued under these Regulations as if begun under these Regulations.

(3) Where a period of time specified in, or applying by virtue of, a provision of the 1980 Regulations is current at the commencement of these Regulations, these Regulations have effect as if the corresponding provision of these Regulations had been in force when that period began to run.

Retrospective effect in certain cases

21. If the material date in respect of any teacher is before the date when these Regulations come into force and the teacher is credited with an additional period of service under regulation 4, regulations 5 to 15 and (so far as relevant) Parts I and IV shall have effect in respect of that teacher from the material date.

(2) 1989 c. 39.

(3) 1968 c. 49.

(4) 1980 c. 44; the relevant definition was amended by the Education (Scotland) Act 1981 (c. 58), section 5(2) and the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39), Schedule 10, paragraph 8(2)(b).