
STATUTORY INSTRUMENTS

1997 No. 311

**The Teachers (Compensation for Redundancy
and Premature Retirement) Regulations 1997**

PART III

Discretionary compensation for termination

6.—(1) Subject always to section 139(1) to (4) of the 1996 Act (determination by governing bodies as to making by local education authorities of certain payments in respect of dismissal, etc.), the appropriate person may pay to a person to whom this Part applies compensation which does not exceed

A – B.

where—

A is the lesser of—

- (a) a sum equivalent to 66 weeks' pay; and
- (b) the aggregate of—
 - (i) a sum equivalent to 2 weeks' pay for each complete year of qualifying employment after the attainment of 18 years of age; and
 - (ii) a sum equivalent to 3 weeks' pay for each complete year of qualifying employment after the attainment of 41 years of age; and

B is the aggregate of—

- (a) any redundancy payment to which he is entitled under Part XI of the Employment Rights Act 1996; and
- (b) any compensation which is paid to him under Part II of these Regulations (discretionary compensation for redundancy).

(2) In this regulation—

“qualifying employment” in relation to a person to whom this Part applies means a period of employment with an employer in relation to which the appropriate person is satisfied that the employee—

- (a) was in local government employment within the meaning of the Local Government Pension Scheme Regulations 1995 (“the 1995 Regulations”)(1) or would have been treated as being in local government employment but for a relevant disqualification; or
- (b) was in pensionable employment within the meaning of the Superannuation Regulations or was in employment which would have been pensionable employment but for a relevant disqualification; or

- (c) was in pensionable employment within the meaning of the National Health Service Pension Scheme Regulations 1995(2) or was in employment which would have been pensionable employment but for a relevant disqualification,

but excludes—

- (d) periods of employment in an independent school; and
- (e) any period in relation to which a pension or other benefits (other than a refund of contributions) under the qualifying scheme are being or have been paid;

“qualifying scheme” means an occupational pension scheme under which qualifying employment accrues or is deemed to accrue;

“relevant disqualification” means—

- (a) the failure of any medical examination required for membership of the qualifying scheme in question;
- (b) the requirement that a manual worker should have completed any period of continuous employment before he may become a member of the Scheme;
- (c) the making of any election to opt out of or the absence of an election to opt into membership of the qualifying scheme in question with respect to any period;
- (d) any restriction on part-time employment being pensionable employment;
- (e) the fact that, where the employment is part-time, the person has not elected that it should be pensionable; or
- (f) the fact that a person is not eligible to be a member of the Scheme under regulation B2(2) of the 1995 Regulations,

in consequence of one or more of which (either individually or cumulatively) that person has not become or has ceased to be or has not been treated as being eligible for the qualifying scheme in question;

“the Scheme” has the same meaning as in the 1995 Regulations.