
STATUTORY INSTRUMENTS

1997 No. 311

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

PART VII

MISCELLANEOUS AND SUPPLEMENTAL

Liability for compensation

22.—(1) Subject to paragraph (7), the cost of compensation to which a person is entitled under Parts IV and V of these Regulations is to be met by the compensating authority.

(2) Subject to paragraphs (3) to (5), the compensating authority is to be ascertained from the first and third columns of the table in Part I of Schedule 1.

(3) Where—

- (a) the former employment fell within category D or E, and
- (b) in consequence of any amalgamation, merger or other arrangement the institution becomes part of another (the “successor establishment”) and ceases to have a separate governing body,

the governing body of the successor establishment becomes the compensating authority.

(4) Where—

- (a) the former employment fell within category D or E and
- (b) the institution closes and there is no successor establishment,

the Secretary of State becomes the compensating authority.

(5) Where the employment in question did not fall within any of the categories A to E then the compensating authority is—

- (a) the person or body of persons responsible for the management of the institution or, where the institution has amalgamated or merged with another institution or has closed, the institution with which it has amalgamated, merged or been succeeded, as the case may be, (the “successor establishment”), or
- (b) where there is no successor establishment, the Secretary of State.

(6) References in paragraphs (3) to (5) above to an institution include references to a successor establishment.

(7) Where the former employment fell within category C, the Secretary of State may—

- (a) require the governing body of the school to repay her any amounts paid by her in respect of compensation, or
- (b) accept from the governing body a single payment of a sum equal to the actuarial value of the total compensation payable, or
- (c) accept from them the payment of such a sum by not more than five annual instalments.

Arrangements for payment

- 23.—(1) A compensating authority may—
- (a) itself pay any compensation for which it is liable under regulation 22, or
 - (b) arrange for the compensation to be paid by any suitable person and for its reimbursement by the authority.
- (2) Arrangements for reimbursement may provide—
- (a) for the periodical repayment by the authority of amounts paid on its behalf, or
 - (b) for a single payment by the authority of a sum equal to the actuarial value of the total compensation payable, or
 - (c) for the payment of such a sum by not more than five annual instalments.

Notification

- 24.—(1) As soon as is reasonably practicable after—
- (a) an eligible teacher has been credited with a period of service under regulation 11,
 - (b) a credited teacher has died,
 - (c) a person becomes entitled to compensation under regulation 7, or
 - (d) any adjustment had been made under regulation 8 or Part VI,

the compensating authority shall give a written notification to every person to whom compensation became payable or whose compensation is affected.

- (2) The notification is to state—
- (a) where paragraph (1)(a) to (c) applies, what compensation is payable, and
 - (b) where paragraph (1)(d) applies, what adjustment has been made,

and how the compensation or adjustment has been calculated.

Supply of information

25.—(1) A credited teacher or a person entitled to compensation under regulation 7 is, within one month after entering or leaving a new employment, to notify the compensating authority in writing that he has done so.

(2) A person to whom compensation is payable is to provide the compensating authority with such information, and to produce such documents, as the authority may reasonably require for the purposes of its functions under these Regulations.

Payment of compensation

- 26.—(1) Compensation, other than lump sum compensation, is to be paid in arrears—
- (a) at intervals of one month, or
 - (b) at such longer intervals as may be agreed between the compensating authority and the recipient.

(2) Where compensation ceases to be payable before the next date on which a payment would be due, a proportionate payment is to be made for the period ending on the date of cessation.

- (3) A proportionate payment is a payment of—

$$\left(\frac{A}{12} \times B\right) + \left(\frac{A}{12} \times \frac{C}{D}\right)$$

where—

A is the annual rate of the compensation,

B is the number of complete months, if any, in the period,

C is the number of days remaining in the period after deducting B, and

D is the number of days in the month in which the period ended.

(4) If a person entitled to payment of compensation has not attained the age of 18, or is incapable by reason of infirmity of mind or body of managing his affairs, the compensating authority may—

(a) pay it to any person having the care of the person entitled, or

(b) apply it for the benefit of the person entitled or his dependants.

Compensation not assignable

27.—(1) Any assignment of or charge on, or agreement to assign or charge, any compensation payable under these Regulations is void.

(2) On the bankruptcy of a person entitled to such compensation no part of the compensation shall pass to any trustee or other person acting on behalf of the creditors, except in accordance with an income payments order made by a court under section 310 of the Insolvency Act 1986(1).

Modified application in relation to persons entitled to admitted service benefits

28. In relation to a person with admitted service these Regulations have effect with the modifications set out in Schedule 2.

Revocation and transitional provisions

29.—(1) The 1989 Regulations(2), the Teachers (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations 1994(3) and the Teachers (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations 1996(4) are revoked.

(2) Where a period of time specified in, or applying by virtue of, a provision of the 1989 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.

(3) Where former employment fell within category D, E, F or H in the 1989 Regulations then such employment shall be regarded as falling within category E in these Regulations and where it fell within category G it shall be regarded as fully within category D in these Regulations.

(1) 1986 c. 45.

(2) S.I. 1989/298.

(3) S.I. 1994/1059.

(4) S.I. 1996/2777.