

SCHEDULE 3

Regulation 4(3)

MODIFIED APPLICATION OF REGULATIONS

PART I

Former Harbour Authority Employees

1. Part IV of these Regulations applies in relation to a person whose employment immediately before the termination date was wholly or mainly connected with the employing authority's functions as a harbour authority (as defined in section 57(1) of the Harbours Act 1964⁽¹⁾ as if, in the definition (in Schedule 1) of "excepted payment", there were included "or a payment under an agreement made before 1st July 1984 in connection with the closure of a harbour effected in the exercise of powers conferred by an Act of Parliament passed before that date".

PART II

Persons Employed in Educational Establishments

2. In this Part of this Schedule "educational employment" means employment—
- (a) at a single school or institution maintained by a local education authority which for the time being has a delegated budget within the meaning of Chapter IV of Part II of the School Standards and Framework Act 1998⁽²⁾ or section 85 of the Further and Higher Education Act 1992⁽³⁾;
 - (b) at a school or institution without a delegated budget and which is maintained by a local education authority;
 - (c) by a local authority otherwise than at a school or institution;
 - (d) at a maintained school or institution with a delegated budget where that employment was concurrent with employment—
 - (i) at another such school or institution; or
 - (ii) within paragraph (b);
 - (e) at an institution conducted by a further education corporation or a higher education corporation;
 - (f) at a designated institution.
3. Part IV of these Regulations applies with the modifications in paragraphs 4 to 6.
4. Where employment of the kind specified in paragraph 2(a) is terminated, and the employing authority is the local education authority, they must certify that the termination is for a reason mentioned in regulation 4(1)(a)(i), (ii) or (iii) if the governing body of the school or institution concerned request them to do so.
5. Where the terminated employment was educational employment—
- (a) regulations 7 and 8 apply as if, for references to the employing authority, there were substituted references—

(1) 1964 c. 40.
(2) 1998 c. 31.
(3) 1992 c. 13.

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- (i) where the employment is within (a) or (f) of paragraph 2, to the governing body of the school or institution;
 - (ii) where the employment is within (b), (c) or (d) of paragraph 2, to the local education authority;
 - (iii) where the employment is within (e) of paragraph 2, to the corporation; and
- (b) references in regulations 20(1), 21(4), (5) and (7), 25(2), 27, 28 and 31 to the employing authority shall be read as references to the paying authority.

6.—(1) Unless either sub-paragraph (2) or (3) makes different provision, the paying authority in relation to an eligible person whose terminated employment was educational employment is—

- (a) the local education authority, for employments within paragraph 2(a) to (d);
- (b) the corporation, for employments within paragraph 2(e);
- (c) the governing body of the institution, for employments within paragraph 2(f).

(2) Where—

- (a) the terminated employment was of a kind specified in paragraph 2(e) or (f), and
- (b) as the result 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 is the paying authority.

(3) Where—

- (a) the terminated employment was of a kind specified in paragraph 2(e) or (f), and
- (b) the institution closes and there is no successor establishment,

the Secretary of State is the paying authority.

7. Regulation 31 shall have effect as if the following were added at the end—

“(5) Where the terminated employment was of a kind specified in paragraph 2(d) or (e) of Schedule 2, the Secretary of State may—

- (a) require the governing body of the school to repay him any amounts paid by him by way of compensation;
- (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 sum by not more than five annual instalments.”.