
 STATUTORY INSTRUMENTS

1982 No. 918 (S.122)

EDUCATION, SCOTLAND

**The Teachers' (Compensation for Premature Retirement)
(Scotland) Amendment Regulations 1982**

<i>Made - - - -</i>	17th June 1982
<i>Laid before Parliament</i>	20th July 1982
<i>Coming into Operation</i>	10th August 1982

In exercise of the powers conferred on me by section 24 of the Superannuation Act 1972 (a) and of all other powers enabling me in that behalf, I hereby with the consent of the Treasury (b) make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Teachers' (Compensation for Premature Retirement) (Scotland) Amendment Regulations 1982 and shall come into operation on 10th August 1982.

Interpretation

2. In these regulations, unless the context otherwise requires—
“the principal regulations” means the Teachers' (Compensation for Premature Retirement) (Scotland) Regulations 1980 (c).

Amendment of the principal regulations

3.—(1) In regulation 3 of the principal regulations the following definition shall be inserted after the definition of “designated teacher”—

“educational establishment” means an establishment of a kind specified in paragraphs (b), (c) or (d) of Schedule 4;

(2) In the said regulation 3 the following definition shall be substituted for the definition of “employing authority”—

“employing authority”, in relation to a teacher, means the body specified in Schedule 4 whose employment of that teacher ceased as described in regulation 4(a);

4. There shall be substituted for regulation 19 of the principal regulations the following regulations—

“19. Subject to the terms of regulation 20 compensation payable under these regulations shall be paid by the employing authority.

(a) 1972 c.11.

(b) The function was transferred to the Treasury by S.I. 1981/1670.

(c) S.I. 1980/1254.

20.—(1) This regulation applies in the case of an eligible teacher employed by an employing authority listed in paragraph (b), (c) or (d) of Schedule 4, and of any person entitled to compensation by virtue of the employment of such an eligible teacher.

(2) Compensation payable under these regulations to any person to whom this regulation applies, which such a person is entitled to receive at a date following on the date of closure of the educational establishment in which the former employment was held, shall be paid by the Secretary of State.

(3) For the purposes of this regulation:—

- (a) the date of closure of an educational establishment referred to in paragraph (b) or (c) of Schedule 4 shall be the date with effect from which the establishment is dissolved by regulations made by the Secretary of State in terms of section 77 of the Education (Scotland) Act 1980 (a), and where no provision has been made in such regulations for the transfer of the obligation imposed upon that establishment under regulation 19 of these regulations, and
- (b) the date of closure of an educational establishment referred to in paragraph (d) of Schedule 4 shall be the date with effect from which any certificate of approval of that educational establishment issued under section 83 of the Children and Young Persons (Scotland) Act 1937 (b) is withdrawn by the Secretary of State or surrendered by the managers.”

5. After Schedule 3 to the principal regulations there shall be added the following Schedule—

“SCHEDULE 4

Regulation 3

Employing authorities, who may credit an eligible teacher with an additional period of service.

- (a) A regional council, an islands council or a district council;
- (b) The governing body of a college of education as defined in section 135 (1) of the Education (Scotland) Act 1980;
- (c) The governing body of a central institution as defined in section 135 (1) of the Education (Scotland) Act 1980 other than a college of agriculture;
- (d) The managers, other than a local authority, of a school which immediately before the commencement of Part III of the Social Work (Scotland) Act 1968 (c) was approved under section 83 of the Children and Young Persons (Scotland) Act 1937 if that approval remains in force at the date when the pensionable employee ceased to be employed by those managers.”

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh,
17th June 1982.

(a) 1980 c.44.

(b) 1937 c.37.

(c) 1968 c.49.

Alastair Goodlad,

J. A. Cope,
Two of the Lords Commissioners
of Her Majesty's Treasury.

We consent,

24th June 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations by extending the application of the Teachers' (Compensation for Premature Retirement) (Scotland) Regulations 1980 allow for the payment of compensation to or in respect of persons aged 50 and over, who are members of the Teachers' Superannuation Scheme, and employed in a college of education, central institution or List D school. Compensation is payable to such persons in terms of the principal regulations, as amended by these regulations, where such persons are prematurely retired by their employing authorities on redundancy or in the interests of the efficiency of their employing authorities' functions. The compensation is in the form of additions to accrued superannuation benefits. The regulations also make provision for the payment of such compensation in the event of closure of the college of education, central institution or List D school, in which such persons were employed at the time of their premature retirement.

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