

## S T A T U T O R Y I N S T R U M E N T S

## 1983 No. 856

## EDUCATION, ENGLAND AND WALES

**The Teachers (Compensation) (Advanced Further Education) Regulations 1983**

<i>Made</i> - - - - -	14th June 1983
<i>Laid before Parliament</i>	24th June 1983
<i>Coming into Operation</i>	25th July 1983

The Secretary of State for Education and Science, in exercise of the powers conferred by section 24 of the Superannuation Act 1972(a), hereby makes the following Regulations:—

*Citation and operation*

1. These Regulations may be cited as the Teachers (Compensation) (Advanced Further Education) Regulations 1983 and shall come into operation on 25th July 1983.

*Interpretation*

2.—(1) In these Regulations—

(a) a reference to a further education establishment is a reference to such an establishment within the meaning of the regulations(b) from time to time in force under section 27(6) of the Education Act 1980(c), and

(b) a reference to a course of advanced further education is a reference to a course so designated by the Schedule hereto.

(2) In these Regulations a reference to a Regulation is a reference to a Regulation contained therein, a reference in a Regulation or the Schedule to a paragraph is a reference to a paragraph of that Regulation or the Schedule and a reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph of that paragraph.

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(a) 1972 c. 11.

(b) The Regulations currently in force are the Education (Schools and Further Education) Regulations 1981 (S.I. 1981/1086); amended by the Education (Schools and Further Education) (Amendment) Regulations 1983 (S.I. 1983/262).

(c) 1980 c. 20.

*Teachers to whom Regulations apply*

3.—(1) These Regulations shall apply in the case of a person—

- (a) who is employed as a teacher at a further education establishment;
- (b) who is superannuable in pursuance of regulations(a) from time to time in force under section 7 or 9 of the Superannuation Act 1972 (superannuation of persons employed in local government service etc. and of teachers), or would be so superannuable if he exercised a right of election (however described) which is conferred by such regulations;
- (c) who in the circumstances referred to in sub-paragraph (2) suffers loss of employment—
  - (i) on or after attaining the age of 41 years but before attaining that of 50 years, and
  - (ii) before 1st September 1985, and
- (d) who, on the occasion of that loss of employment, is entitled to a redundancy payment under Part VI of the Employment Protection (Consolidation) Act 1978(b).

(2) The circumstances mentioned in paragraph (1)(c) are that the loss of employment is attributable to such an event as is hereinafter mentioned or a combination of such events, namely—

- (a) the discontinuance of one or more courses of advanced further education at a relevant further education establishment (within the meaning of paragraph (4));
- (b) the restriction of, or a decline in, the number of students admitted to one or more such courses at such an establishment;
- (c) a change in the manner in which one or more such courses are provided at such an establishment.

(3) The references in paragraph (2) to the discontinuance of a course, to the restriction of the number of students admitted to a course or to a change in the manner in which a course is provided include references to such a discontinuance, restriction or change which has not taken effect but which has either been decided upon or, in the case of a discontinuance or restriction, has been required under regulations(c) from time to time in force under section 27(6) of the Education Act 1980.

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(a) The Regulations currently in force are the Local Government Superannuation Regulations 1974 (S.I. 1974/520), the Teachers' Superannuation Regulations 1976 (S.I. 1976/1987) and the Teachers' Superannuation (Policy Schemes) Regulations 1979 (S.I. 1979/47). The amending instruments are not relevant to the subject matter of these Regulations.

(b) 1978 c. 44.

(c) The relevant Regulations currently in force are Regulations 15 and 16 of the Education (Schools and Further Education) Regulations 1981 (S.I. 1981/1086).

(4) The reference in paragraph (2) to a relevant further education establishment is a reference to the further education establishment at which the teacher was employed immediately before suffering loss of employment except that, where that establishment is one for which a local education authority is responsible, it includes a reference to any other further education establishment for which the same authority is responsible; and, for the purposes hereof, a local education authority (“the authority concerned”) shall, and shall only, be treated as responsible for an establishment if either—

(a) it is provided by them, or

(b) it is provided by some other local education authority but the authority concerned contributes to the cost of its maintenance in pursuance of arrangements in that behalf to which those authorities are parties.

*Power to pay compensation*

4. Without prejudice to any other power in that behalf, the authority or body by whom a teacher to whom these Regulations apply was employed may pay him such compensation for such loss of employment as is mentioned in Regulation 3(1)(c) as, subject to Regulation 5, they think fit.

*Maximum compensation*

5.—(1) The compensation which may be paid in pursuance of these Regulations shall not exceed the difference between—

(a) the redundancy payment to which the teacher is entitled under Part VI of the Employment Protection (Consolidation) Act 1978, and

(b) the redundancy payment to which he would have been so entitled if that Act had been amended as provided in paragraph (2).

(2) For the purposes of paragraph (1)(b) the said Act of 1978 shall be treated as if it had been amended as hereinafter provided, that is to say—

(a) as if for sub-paragraphs (a), (b) and (c) of paragraph 2 of Schedule 4 (calculation of redundancy payments) there had been substituted the following provisions—

“(a) four weeks’ pay for each such year of employment which consists wholly of weeks (within the meaning of Schedule 13) in which the employee was not below the age of forty-one; and

(b) two weeks’ pay for each such year of employment not falling within the preceding sub-paragraph.”;

(b) as if in paragraph 3 of Schedule 4 for the words “twenty years”, in both places where they occur, there had been substituted the words “twenty-five years”, and

(c) as if paragraph 8(1)(c) of Schedule 14 (weekly pay in excess of specified limit to be disregarded in calculating redundancy payments) had been repealed.

## SCHEDULE

## ADVANCED FURTHER EDUCATION COURSES

1. The courses mentioned in the following paragraphs are hereby designated for the purposes of these Regulations as courses of advanced further education.
2. Any course designated as a course of advanced further education for the purposes of the regulations(a) from time to time in force under section 27(6) of the Education Act 1980.
3. Any course not falling within paragraph 2 which would so fall but for—
  - (a) its duration, in the case of a full-time course, or
  - (b) the period of instruction involved in the case of a part-time course.

*Keith Joseph,*  
Secretary of State for  
Education and Science.

14th June 1983.

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## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations authorise the payment of compensation to certain teachers at further education establishments who suffer loss of employment attributable to such contraction of advanced further education provision as is mentioned in Regulation 3(2).

The Regulations apply only in the case of teachers who are, or if they so elected would be, subject to superannuation regulations made under section 7 or 9 of the Superannuation Act 1972, who have attained the age of 41 but not that of 50 years and who are entitled to a redundancy payment under the Employment Protection (Consolidation) Act 1978 and only where they suffer loss of employment before 1st September 1985 (*Regulation 3(1)*).

The compensating authority in relation to a teacher is the authority or body by whom he is employed (*Regulation 4*).

The maximum compensation payable to a teacher in pursuance of the Regulations is the difference between the redundancy payment to which he is entitled and that to which he would have been entitled if specified amendments had been made to the Employment Protection (Consolidation) Act 1978 (*Regulation 5*).

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(a) The relevant provision of the Regulations currently in force is Schedule 2 to the Education (Schools and Further Education) Regulations 1981 (S.I. 1981/1086).



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