

1984 No. 2048

TERMS AND CONDITIONS OF EMPLOYMENT

**The Land Authority for Wales (Compensation for
Premature Retirement) Regulations 1984**

Made - - - - - 17th December 1984

Coming into Operation 25th January 1985

The Secretary of State for Wales, in exercise of the powers conferred upon him by paragraph 6(3) of Schedule 22 to the Local Government, Planning and Land Act 1980(a) and of all other powers enabling him in that behalf, with the consent of the Treasury(b) hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Land Authority for Wales (Compensation for Premature Retirement) Regulations 1984 and shall come into operation on 25th January 1985

Interpretation

2. Unless the context otherwise requires, in these regulations any reference to a regulation shall be construed as a reference to a regulation contained in these regulations, any reference to a paragraph shall be construed as a reference to a paragraph in the same regulation and any reference to a sub-paragraph shall be construed as a reference to a sub-paragraph contained in the same paragraph.

Definitions

3. In these regulations:—

“employment” includes office and service; and

“material date” in relation to a person means the date upon which he ceased to be in the employment of the Land Authority for Wales.

“the 1978 Act” means the Employment Protection (Consolidation) Act 1978(c);

“the 1982 Regulations” means the Local Government (Compensation for Premature Retirement) Regulations 1982(d) as amended by Part III of the 1984 Regulations;

(a) 1980 c. 65.

(b) See the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981. (S.I. 1981/1670).

(c) 1978 c. 44; relevant amendments are made by the Redundancy Payments (Local Government) (Modification) Order 1983 (S.I. 1983/1160).

(d) S.I. 1982/1009.

“the 1984 Regulations” means the Local Government (Compensation for Redundancy and Premature Retirement) Regulations 1984(a); and

“pensionable employee” “qualifying service” and “reckonable service” have the same meanings as in the Local Government Superannuation Regulations 1974(b).

Persons to whom the Regulations apply

4. These regulations shall apply to a pensionable employee who on or after 30th November 1980 and before the end of three years from the coming into operation of these regulations ceases to be in the employment of the Land Authority for Wales as a result of the changes in the Authority's functions arising from Part XII of the Local Government, Planning and Land Act 1980.

Compensation

5.—(1) A person described in regulation 4 who on the material date is entitled to a redundancy payment under Part VI of the 1978 Act and who on the material date has not attained the age of 41 years shall be paid the compensation specified in Part II of the 1984 Regulations.

(2) A person described in regulation 4 who on the material date is entitled to a redundancy payment under Part VI of the 1978 Act and who on the material date has attained the age of 50 years but has not attained the age of 65 years and whose reckonable service and qualifying service entitled to be aggregated is not less than 5 years shall be subject to the provisions of the 1982 Regulations and of Part II of the 1984 Regulations.

(3) A person described in regulation 4 who on the material date is entitled to a redundancy payment under Part VI of the 1978 Act and who on the material date either:—

- (a) has attained the age of 41 years but has not attained the age of 50 years; or
- (b) has attained the age of 50 years but not attained the age of 65 years and whose reckonable service and qualifying service entitled to be aggregated is less than 5 years

shall be paid the compensation specified in regulation 6.

(4) For the purpose of the application of the 1982 Regulations and of the 1984 Regulations to the provisions of paragraph (2), a person described in paragraph (2) shall be deemed to be “an eligible person” and the Land Authority for Wales shall be deemed to be an “employing authority” within the meaning of those phrases in the 1982 Regulations.

Duty of Land Authority for Wales to pay compensation

6.—(1) Without prejudice to any other power in that behalf, the Land Authority for Wales shall pay a pensionable employee described in regulation 5(3) such compensation for such loss of employment as is specified in paragraphs (2) and (3).

(a) S.I. 1984/740.

(b) S.I. 1974/520; the amending instruments are not relevant to the subject matter of these regulations.

- (2) The compensation which shall be paid in pursuance of paragraph (1) shall not exceed the difference between—
- (a) the redundancy payment to which he is entitled under Part VI of the 1978 Act; and
 - (b) the redundancy payment to which he would have been so entitled if that Act had been amended as provided in paragraph (3).
- (3) For the purposes of paragraph (2)(b) the 1978 Act shall be treated as if it had been amended as hereinafter provided, that is to say—
- (a) as if for subparagraphs (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 up to a maximum of 8 years 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 which consists wholly of weeks (within the meaning of Schedule 13) in which the employee was not below the age of eighteen.”
 - (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.

Nicholas Edwards,
Secretary of State for Wales.

17th December 1984.

EXPLANATORY NOTE

(This Note is not part of the Order.)

These regulations require the payment of compensation to persons who suffer loss of employment in the Land Authority for Wales during a period beginning on 30th November 1980 and ending three years after the coming into operation of these regulations as a result of changes in the Authority’s functions arising from Part XII of the Local Government, Planning and Land Act 1980. (regulation 4).

Regulation 5 makes different provisions for the calculation of such compensation according to whether or not on the termination of the employment an employee is entitled to receive an immediate pension under the Local Government Superannuation Regulations 1974, as amended.

Regulation 5(1) applies to an employee aged under 41 at the time of the termination of his employment. Such employee is not entitled to an immediate pension, but is entitled to a redundancy payment if he comes within the provisions of Part VI of the Employment Protection (Consolidation) Act 1978. If such a person is entitled to a redundancy payment then he is also to be given compensation by the Land Authority for Wales under the provisions of Part II of the Local Government (Compensation for Redundancy and Premature Retirement) Regulations 1984. The maximum compensation payable under Part II of the 1984 Regulations is the difference between the redundancy payment to which the person is entitled under Part VI of the 1978 Act and that to which he would have been entitled if the provisions in Part VI of the 1978 Act relating to the weekly earnings limit in the calculation of redundancy payments under Part VI had been waived.

By regulation 5(2) and (4) an employee aged 50 or over who has completed 5 or more years service at the time of the termination of his employment, the years of service being calculated according to the provisions of the Local Government Superannuation Regulations 1974, as amended, is entitled to be compensated in the form of additional amounts to his immediate pension benefits. The calculation of these additional amounts is set out in the Local Government (Compensation for Premature Retirement) Regulations 1982 as amended which are applied to such a person by regulations 5(2) and (4). In addition if such an employee is also entitled to redundancy payments in the same way as an employee aged under 41, then similar provisions are made in respect of him as regards the calculation of his redundancy payment by applying the provisions of Part II of the 1984 Regulations.

Regulation 5(3) applies to an employee who at the time of the termination of his employment is aged between 41 and 49 or is aged 50 or over and has not completed at least 5 years' service calculated in accordance with the 1974 Superannuation Regulations. Such a person is entitled to a redundancy payment under the provisions of the Employment Protection (Consolidation) Act 1978. Regulation 6 treats Part VI of the 1978 Act as if it were amended so that the person is entitled to be paid by the Land Authority for Wales firstly such a sum in supplementation of his entitlement to a redundancy payment under Part VI of the 1978 Act as shall bring his total compensation to a maximum sum equivalent to 66 weeks' pay, depending upon the length of service, and secondly such sum comprising the difference between the redundancy payment to which the person is entitled under Part VI of the 1978 Act and that to which he would have been entitled if the provisions in Part VI of the Act relating to the weekly earnings limit in the calculation of redundancy payments under Part VI had been waived.

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