

1990 No. 1433

EDUCATION, ENGLAND AND WALES

**The Education (Reorganisation in Inner London)
(Compensation) (Amendment) Regulations 1990**

<i>Made - - - -</i>	<i>25th July 1990</i>
<i>Laid before Parliament</i>	<i>25th July 1990</i>
<i>Coming into force</i>	<i>31st August 1990</i>

The Secretary of State, in exercise of the powers conferred by section 24 of the Superannuation Act 1972(a) and with the consent of the Treasury(b), hereby makes the following Regulations:

1. These Regulations may be cited as the Education (Reorganisation in Inner London) (Compensation) (Amendment) Regulations 1990 and shall come into force on 31st August 1990.

2. The Education (Reorganisation in Inner London) (Compensation) Regulations 1989(c) shall be amended in accordance with the following provisions of these Regulations.

3. In regulation 1(3), in the definition of "qualifying employment", the word "or" shall be omitted and after the words "(Horniman and Geffrye museums)" there shall be inserted the following words, "or with the City Literary Institute".

4. In regulation 6(5) (emoluments), for sub-paragraph (b) there shall be substituted the following sub-paragraph—

"(b) such other period as LRB considers will produce a fair and reasonable result in the circumstances."

5. In regulation 7(2) (compensation in respect of loss or diminution of emoluments)—

(a) in sub-paragraph (c) for the words "in relevant local government service consisting of employment with" there shall be substituted the word "by"; and

- (b) in sub-paragraph (d) for the words "for not less than 3 years in relevant local government service" there shall be substituted the words "throughout the previous 3 years by one or more of the employers referred to in the Appendix to Schedule 2 to the Redundancy Payments (Local Government) (Modification) Order 1983(a)".

25th July 1990

John MacGregor
Secretary of State for Education and Science

We consent to the making of these Regulations

Thomas Sackville
David Lightbown
Two of the Lords
Commissioners of Her
Majesty's Treasury

25th July 1990

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Reorganisation in Inner London) (Compensation) Regulations 1989 ("the 1989 Regulations") which make provision for the payment of compensation in cases falling within section 173(1) and (2) of the Education Reform Act 1988 (c.40) (certain persons suffering loss of employment with the Inner London Education Authority or the London Residuary Body, or loss or diminution of emoluments, attributable to provision made by or under Part III of that Act).

The definition of "qualifying employment" in regulation 1(3) is amended so as to include employment with the City Literary Institute.

Paragraph 5(b) of regulation 6 is amended so as to make it clear that it is the London Residuary Body which, in calculating the annual average of a person's fees or other variable payments, may choose to do so by reference to a period other than the 5 years immediately preceding the relevant date provided for in sub-paragraph (a) of that paragraph. Such alternative period must be one which the London Residuary Body considers will produce a fair and reasonable result in the circumstances.

Regulation 7(2) is amended so as to make part-time employees, in addition to full-time employees, eligible for compensation under Part III of the 1989 Regulations in respect of loss or diminution of emoluments attributable to provision made by or under Part III of the Education Reform Act 1988.

Taken with regulation 2(2)(b) of the 1989 Regulations the amendment to regulation 7(2) will confer entitlement on the relevant persons in specified circumstances to compensation in relation to loss or diminution of emoluments occurring after 13th July 1989. Section 24 of the Superannuation Act 1972 confers express power to make regulations retrospective in effect.

(a) S.I. 1983/1160, amended by S.I. 1985/1872, 1988/907, 1989/532, 1990/826, 1432.

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