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STATUTORY INSTRUMENTS

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**1995 No. 840**

**The Local Government (Education Administration)  
(Compensation for Redundancy or Premature Retirement  
on Reorganisation) (Scotland) Regulations 1995**

**PART II  
COMPENSATION**

**Persons to whom this Part applies**

- 3.** This Part applies to an eligible employee who—
- (a) ceases during the prescribed period to hold his employment with a relevant body by reason of redundancy or in the interests of the efficient exercise of that body's functions;
  - (b) meets the prescribed conditions specified in regulation 4; and
  - (c) is not a person to whom the provisions of section 13(4) of the 1994 Act apply.

**Prescribed conditions**

**4.—(1)** The provisions of the following paragraphs of this regulation are the prescribed conditions for the purposes of regulation 3.

(2) The first condition is that the person is not entitled to have his case considered for the payment of compensation, in respect of loss of employment specified in regulation 3(a), under any instrument within the meaning of Part I of Schedule 1 to the 1980 Regulations.

(3) The second condition is that the person has on the material date—

- (a) attained the age of 18 years but has not attained the age of 50 years and is entitled to count reckonable service amounting to not less than 2 years; or
- (b) attained the age of 50 years.

(4) The third condition is that the relevant body determines that the loss of employment is attributable to any provision of, or made under, the 1994 Act.

**Computation of compensation**

- 5.** Not later than the material date a relevant body—
- (a) shall determine to pay the compensation prescribed in regulation 6 to a person who meets the requirements of regulation 6(1);
  - (b) may determine to pay the compensation prescribed in regulation 7 to a person who meets the requirements of regulation 7(1);
  - (c) may, subject to regulation 8(3), determine to pay the compensation prescribed in regulation 8 to a person who meets the requirements of regulation 8(1); and

- (d) may, subject to regulation 8(3), determine to pay the compensation prescribed in regulation 9 to a person to whom regulation 7 or 8 applies.

**General mandatory compensation**

6.—(1) This regulation applies to a person to whom this Part applies and who on the material date—

- (a) has attained the age of 18 years but has not attained the age of 50 years and who is entitled to count reckonable service amounting to not less than 2 years; or
- (b) has attained the age of 50 years and who is entitled to count reckonable service amounting to less than 2 years.

(2) The compensation which a relevant body shall determine to pay under regulation 5(a) shall be the lesser of—

- (a) a sum equivalent to 66 weeks' remuneration; or
- (b) the relevant aggregate sum referred to in paragraph (3) or (4) below.

(3) In the case of cessation of employment before the attainment of age 23, the relevant aggregate sum shall be—

- (a) a sum equivalent to one half week's remuneration for each complete year of reckonable service on or after the attainment of age 18; and
- (b) where such cessation is on or after the attainment of age 20, a sum equivalent to one half week's remuneration for each complete year of reckonable service on or after the attainment of age 20.

(4) In the case of cessation of employment on or after the attainment of age 23, the relevant aggregate sum shall be—

- (a) a sum equivalent to two weeks' remuneration for each complete year of reckonable service on or after the attainment of age 18; and
- (b) where such cessation is on or after the attainment of age 41, a sum equivalent to three weeks' remuneration for each complete year of reckonable service on or after the attainment of age 41.

**Discretionary compensation for certain persons with 2 or more but less than 5 years' service**

7.—(1) This regulation applies to a person to whom this Part applies and who—

- (a) ceases employment on or after the attainment of age 50; and
- (b) is entitled to count reckonable service amounting to 2 or more but less than 5 years.

(2) The compensation which a relevant body may determine to pay under regulation 5(b) shall be the aggregate of—

- (a) a sum equivalent to one and one half weeks' remuneration for each complete year of reckonable service on or after the attainment of age 18;
- (b) a sum equivalent to two and one half weeks' remuneration for each complete year of reckonable service on or after the attainment of age 41; and
- (c) a sum equivalent to one half week's remuneration.

(3) No compensation prescribed in this regulation, or in regulation 9 in respect of a person to whom this regulation applies, shall be paid unless—

- (a) the person gives written consent to such payment after receipt of the written notification referred to in regulation 11; and

- (b) the person waives in writing his right to the immediate payment of benefit under regulation E5(1)(f) of the Superannuation Regulations.

#### **Discretionary compensation for certain persons with 5 or more years' service**

- 8.**—(1) This regulation applies to a person to whom this Part applies and who—
- (a) ceases employment on or after the attainment of age 50; and
  - (b) is entitled to count reckonable service amounting to not less than 5 years.
- (2) The compensation which a relevant body may determine to pay under regulation 5(c) shall be the lesser of—
- (a) a sum equivalent to 45 weeks' remuneration; or
  - (b) a sum calculated in accordance with the formula specified in regulation 7(2).
- (3) No compensation prescribed in this regulation, or in regulation 9 in respect of a person to whom this regulation applies, shall be paid if that person is, as a result of the loss of employment specified in regulation 3(a), credited with an additional period of service in accordance with the provisions of regulation 5 of the 1980 Regulations.

#### **Additional discretionary compensation**

- 9.**—(1) Subject to the provisions of regulations 7(3) and 8(3), the compensation which a relevant body may determine to pay under regulation 5(d) is a sum which, when aggregated with the compensation which the relevant body has determined to pay under regulation 5(b) or 5(c), as the case may be, shall not exceed the relevant maximum.
- (2) In paragraph (1) of this regulation “relevant maximum” means the lesser of—
- (a) a sum equivalent to 66 weeks' remuneration, or
  - (b) the aggregate of—
    - (i) a sum equivalent to two weeks' remuneration for each complete year of reckonable service on or after the attainment of age 18; and
    - (ii) a sum equivalent to three weeks' remuneration for each complete year of reckonable service on or after the attainment of age 41.

#### **Offset of redundancy payment**

- 10.** From the total compensation that a relevant body determines to pay to an eligible employee under these Regulations there shall be deducted an amount equivalent to the aggregate of any redundancy payment made to that person in respect of the loss of employment specified in regulation 3(a).