

**2006 No. 2216**

**EDUCATION, ENGLAND AND WALES**

**The Teachers (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations 2006**

<i>Made</i> - - - -	<i>9th August 2006</i>
<i>Laid before Parliament</i>	<i>21st August 2006</i>
<i>Coming into force</i> - -	<i>1st October 2006</i>

The Secretary of State for Education and Skills makes these Regulations in exercise of powers conferred by section 24 of, and paragraph 13 of Schedule 3 to, the Superannuation Act 1972(a).

In accordance with section 24(1) of that Act these Regulations are made with the consent of the Treasury(b).

**Citation and commencement**

1. These Regulations may be cited as the Teachers (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations 2006 and come into force on 1st October 2006.

**Amendment of Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997.**

2. The Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997(c) are amended as follows.

3. In regulation 4(2) omit “and who is not entitled to payment of retirement benefits under regulation E4(2) to (5A) of the Pensions Regulations”.

4. For regulation 6 substitute the following—

“6. Subject always to section 37(1) to (3) of the Education Act 2002(d) (determination by governing bodies as to making by local education authorities of certain payments in respect of dismissal etc.) the appropriate person may pay to a person to whom this Part applies compensation which does not exceed A-B where—

A is a sum equivalent to 104 weeks’ pay, and

B is the aggregate of—

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(a) 1972 c.11 to which there are amendments not relevant to these regulations. The Secretary of State’s functions under section 24 of the Superannuation Act 1972 were transferred, in or as regards Scotland, to the Scottish Ministers by virtue of section 63 of the Scotland Act 1998 (c.46) read with article 2 of, and Schedule 1 to, the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I.1999/1750).

(b) See S.I.1981/1670.

(c) S.I. 1997/311, amended by S.I.1998/2256, 1999/608 and 2000/664; there are other amending instruments but none is relevant.

(d) 2002 c. 32.

- (a) any redundancy payment to which the person is entitled under Part XI of the Employment Rights Act 1996(a), and
- (b) any compensation which is paid to him under Part II of these Regulations (discretionary compensation for redundancy).”

27th July 2006

*Andrew Adonis*  
Parliamentary Under-Secretary of State  
Department for Education and Skills

We consent

9th August 2006

*Kevin Brennan*  
*Claire Ward*  
Two of the Lords Commissioners of Her Majesty's Treasury

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend regulation 4 of, and substitute regulation 6 of, the Teachers (Compensation for Redundancy and Premature Retirement Regulations) 1997.

The amendment to regulation 4 removes the requirement that regulation 6, which provides for discretionary compensation on the termination of employment, only applies to persons who are not entitled to retirement benefits under the Teachers' Pensions Regulations 1997. Under the substituted regulation 6 the maximum compensation which can be paid is 104 weeks' pay, less any redundancy payments to which the person is entitled and any compensation for redundancy paid under Part II of the regulations.

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(a) 1996 c. 18

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