

## SCHEDULE 5

### Transitional Provisions and Savings

#### PART 2

##### Transitional Provisions and Savings relating to the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997

2. In this Part “the 1997 Compensation Regulations” means the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997.

3.—(1) Where, before 1<sup>st</sup> January 2007—

- (a) a person employed in an institution within category D became entitled to compensation under Part IV of the 1997 Compensation Regulations, or
- (b) the governing body of an institution within category D decided to credit an eligible teacher with a period of service under Part V of the 1997 Compensation Regulations,

then, despite the provisions of paragraph 2(a) of Schedule 2 to these Regulations and without prejudice to section 16 of the Interpretation Act 1978(1), the governing body of the institution within category D shall continue to make or abate payments of compensation to or in respect of the person in accordance with Parts IV or V of the 1997 Compensation Regulations and shall be entitled to adjust such payments in accordance with those regulations.

(2) Where former employment fell within category G for the purposes of regulation 29(3) of the 1997 Compensation Regulations, it shall be regarded as falling within category D where subparagraph (1) applies.

4.—(1) Regulation 13 of the 1997 Compensation Regulations shall (despite paragraph 6 of Schedule 2) continue to have effect where a declaration was delivered to the compensating authority pursuant to paragraph (2) of that regulation before 1st January 2007.

(2) Where regulation 13 of the 1997 Compensation Regulations continues to have effect pursuant to paragraph (1)—

- (a) the references in paragraphs (3) and (6)(a) of those regulations to regulation E5(3) of the Pensions Regulations shall have effect as references to regulation E5(6) and (7) of the Pensions Regulations,
- (b) regulation 15(7) of the 1997 Compensation Regulations shall have effect without the amendment made by paragraph 7 of Schedule 2.