
STATUTORY INSTRUMENTS

1996 No. 2317

**The Teachers (Compensation for Premature Retirement
and Redundancy) (Scotland) Regulations 1996**

**PART I
GENERAL**

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Teachers (Compensation for Premature Retirement and Redundancy) (Scotland) Regulations 1996 and shall come into force on 31st October 1996.

(2) These Regulations shall, in the circumstances and to the extent specified in regulation 21, have effect from a date earlier than the making of the Regulations.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

- (a) any reference to a numbered regulation, Part or Schedule is to be construed as a reference to the regulation, Part or Schedule, as the case may be, which bears that number in these Regulations, and any reference to a numbered paragraph in a regulation of, or a Schedule to, these Regulations is to be construed as a reference to the paragraph bearing that number in that regulation or, as the case may be, that Schedule;
- (b) any reference to, or to things done or falling to be done under or for the purposes of, any provision of these Regulations is, if and so far as the nature of the reference permits, to be construed as including, in relation to circumstances or purposes in relation to which the corresponding provision in the 1980 Regulations or Part II of the 1984 Regulations had effect, a reference to, or as the case may be to things done or falling to be done under or for the purposes of, that corresponding provision;
- (c) any reference to, or to things done or falling to be done under or for the purposes of, any provision of the Superannuation Regulations is, if and so far as the nature of the reference permits, to be construed as including, in relation to circumstances or purposes in relation to which the corresponding provision in the 1977 Regulations or in previous provisions had effect, a reference to, or as the case may be to things done or falling to be done under or for the purposes of, that corresponding provision; and
- (d) any reference to the annual rate of compensation payable to a designated teacher immediately before the date of his death shall, if he died before he had been credited with an additional period of service under regulation 4, include a reference to the annual rate of compensation which would have been payable if he had been so credited before his death.

(2) Terms used in these Regulations and in the Superannuation Regulations shall, unless the context otherwise requires, have the same meanings in these Regulations as in the Superannuation Regulations.

(3) In these Regulations, unless the context otherwise requires—

- “the 1971 Act” means the Pensions (Increase) Act 1971⁽¹⁾;
- “the 1972 Act” means the Superannuation Act 1972;
- “the 1978 Act” means the Employment Protection (Consolidation) Act 1978⁽²⁾;
- “child” shall be construed in accordance with regulation E21(5) and (6) of the Superannuation Regulations;
- “designated teacher” has the meaning given in regulation 4;
- “effective service” comprises–
- (a) any period of reckonable service up to and including the material date;
 - (b) any period of former employment which would have been reckonable service if the teacher had not made an election under regulation B6 of the Superannuation Regulations and if contributions had been paid in respect of it; and
 - (c) any period of former employment as a part-time teacher which would have been reckonable service if an election under regulation B2 of the Superannuation Regulations had had effect and if contributions had been paid in respect of it;
- “eligible teacher” means a teacher to whom Part II applies in accordance with regulation 3;
- “employing authority” means a body specified in Schedule 1, and in relation to a teacher means the particular such body whose employment of that teacher ceased as described in regulation 3(1)(a) or, as the case may be, 16(1);
- “enactment” includes any instrument made under an Act;
- “excepted payment”, in relation to an employment of a designated teacher, means a payment received by him which is–
- (a) a redundancy payment in respect of the cessation of that employment, including any amount by which that payment is reduced in accordance with the Redundancy Payments Pensions Regulations 1965⁽³⁾; or
 - (b) a payment in respect of that employment made under regulations, or under provisions having effect as provisions of regulations, made under section 9 of the 1972 Act; or
 - (c) a payment in lieu of annual or other leave to which he was entitled in that employment; or
 - (d) a payment in lieu of notice of termination of that employment, which does not exceed the remuneration he would have received if he had remained in that employment for a period of 3 months after the material date; or
 - (e) in the case of a payment in lieu of notice of termination of that employment which exceeds that remuneration, so much of that payment as is equal to that remuneration;
- “former employment”, in relation to any person, means the employment which ceased as described in regulation 3(1)(a);
- “instrument” includes an Order in Council, regulation, order, rule, scheme, direction or agreement;
- “material date”, in relation to any person, means the date upon which he ceased to hold his former employment in the circumstances specified in regulation 3(1)(a);
- “new employment”, in relation to a designated teacher, means employment mentioned in regulation E15(1)(a) or (b) of the Superannuation Regulations which he enters after the material date;

(1) 1971 c. 56.
(2) 1978 c. 44.
(3) S.I.1965/1932.

“nominated beneficiary”, in relation to a deceased designated teacher, means a person nominated by him at the material date under regulation E22 of the Superannuation Regulations but does not include a person whose nomination ceases to have effect under paragraph (4) of that regulation;

“occupational pension”, in relation to an eligible teacher, means payments (other than lump sum payments) made in accordance with any contract, scheme or arrangement associated with his employment (whether or not as a teacher) for the payment of superannuation benefits;

“reckonable service”, in relation to a teacher, means the period of service which in terms of regulation D1 of the Superannuation Regulations the teacher is entitled to count (at the length therein prescribed) as reckonable service;

“redundancy payment” in relation to the former employment of a designated teacher, means the aggregate of—

- (a) the redundancy payment to which he is entitled under Part VI of the 1978 Act; and
- (b) any compensation which is paid to him under Part III of these Regulations, in respect of the cessation of that employment;

“the 1977 Regulations” means the Teachers' Superannuation (Scotland) Regulations 1977(4);

“the 1980 Regulations” means the Teachers' (Compensation for Premature Retirement) (Scotland) Regulations 1980(5);

“the 1984 Regulations” means the Teachers' (Compensation for Redundancy and Premature Retirement) (Scotland) Regulations 1984(6); and

“the Superannuation Regulations” means the Teachers' Superannuation (Scotland) Regulations 1992(7).

(4) S.I. 1977/1360, amended by S.I. 1977/1808, 1978/1507, 1980/344, 1983/369 and 1431, 1984/2028, 1988/1618, 1989/666 and 1990/383; revoked by S.I. 1992/280.

(5) S.I. 1980/1254, amended by S.I. 1982/918, 1984/845, 1986/412, 1992/1025 and 1597, 1993/490, 1993/2513, 1994/1715 and 1995/840; revoked by these Regulations.

(6) S.I. 1984/845; revoked by these Regulations.

(7) S.I. 1992/280, amended by S.I. 1992/1025 and 1992/1597, 1993/490 and 2513, 1994/1715 and 2699 and 1995/1670.