

SCHEDULES

SCHEDULE 3

APPROVED SCHOOLS AND OTHER INSTITUTIONS

Provisions as to staff

- 1 (1) This paragraph applies where it appears to the Secretary of State that on the date specified in an order under section 46 of this Act (in the following provisions of this Schedule referred to as a "section 46 order") all or any of the premises used for the purposes of the institution to which the order relates are to be used for the purposes—
- (a) of a community home, or
 - (b) of a school of any of the following descriptions, namely, a county school, a voluntary school which is a controlled or aided school, or a special school;
- and in this Schedule "the specified date", in relation to an institution to which a section 46 order relates, means the date specified in that order.
- (2) Where this paragraph applies the Secretary of State may, by the section 46 order, make such provision as he considers appropriate with respect to—
- (a) the transfer of existing staff to the employment of the authority, voluntary organisation or other body of persons responsible for the employment of persons at the community home or school, as the case may be ; and
 - (b) the transfer to a local authority or voluntary organisation specified in the order of any liabilities (including contingent and future liabilities) with respect to the payment of superannuation and other benefits to or in respect of existing staff and retired staff.
- (3) If any such superannuation or other benefits as are referred to in sub-paragraph (2) (b) of this paragraph are not benefits to which the Pensions (Increase) Acts 1920 to 1969 or any of those Acts apply, the section 46 order may contain such provisions as the Secretary of State considers appropriate—
- (a) for securing the continued payment of additional amounts (calculated by reference to increases under those Acts) which were paid before the specified date in respect of any such benefits; and
 - (b) for securing the payment of additional amounts (calculated by reference to increases under those Acts) in respect of any such benefits to which any person became entitled before the specified date but in respect of which no similar additional amounts were paid before that date.
- (4) Where this paragraph applies the section 46 order—
- (a) shall contain provisions for the protection of the interests of any existing staff whose employment is transferred as mentioned in sub-paragraph (2)(a) of this paragraph ;
 - (b) may contain provisions for the protection of the interests of existing staff whose employment is not so transferred ; and

Status: This is the original version (as it was originally enacted).

- (c) may contain provisions applying, amending or repealing any provision made by or under any enactment and relating to the conditions of service of existing staff or the payment of superannuation and other benefits to or in respect of existing or retired staff ;

and in a case falling within sub-paragraph (1)(b) of this paragraph any provisions made under paragraph (a) of this sub-paragraph shall have effect notwithstanding any provision made by or under any enactment and relating to the remuneration of teachers.

- (5) In this paragraph " existing staff " in relation to a section 46 order means persons who, immediately before the specified date, were employed for the purposes of the institution to which the order relates, and "retired staff" in relation to such an order means persons who, at some time before the specified date, were employed for those purposes but ceased to be so employed before the specified date.
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- (1) Regulations under section 60 of the Local Government Act 1958 may make provision in relation to persons who suffer loss of employment or loss or diminution of emoluments as a result of a section 46 order and, if in such a case the Minister by whom the regulations are made thinks fit, the regulations may provide for the payment of compensation by the Secretary of State instead of by an authority prescribed by or determined under the regulations.
 - (2) In accordance with sub-paragraph (1) of this paragraph, subsection (2) of the said section 60 shall be amended as follows:
 - (a) after the words " under the regulations" there shall be inserted the words " or, in a case to which paragraph 2 of Schedule 3 to the Children and Young Persons Act 1969 applies, by the Secretary of State "; and
 - (b) after the words " order under Part I of the Police Act 1964 " there shall be inserted the words " or of an order under section 46 of the Children and Young Persons Act 1969 ".
 - (3) Where a section 46 order is made in relation to an approved institution but paragraph 1 of this Schedule does not apply in relation to that institution, the section 46 order may make such provision as the Secretary of State considers appropriate with respect to the transfer to him of any such liabilities as are referred to in sub-paragraph (2) (b) of that paragraph and the payment by him of any such additional amount as is referred to in sub-paragraph (3) of that paragraph.