

*Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Paragraph 9. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### APPROVED SCHOOLS AND OTHER INSTITUTIONS

##### Modifications etc. (not altering text)

- C1** Sch. 3 amended by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), [Sch. 2 para. 17](#)

##### *Financial provisions*

- 9 (1) Where a section 46 order is made in relation to an approved institution, other than an institution provided by a local authority, and in a regional plan approved by the Secretary of State the whole or any part of the premises of the approved institution is designated as a community home, then,—
- (a) on the coming into force of an instrument of management for a voluntary home which consists of or includes the premises so designated; or
  - (b) on the transfer of the premises so designated to a local authority in pursuance of an authorisation under paragraph 6 of this Schedule,
- any such obligation relating to that institution as is referred to in sub-paragraph (2) of this paragraph shall cease.
- (2) Sub-paragraph (1) of this paragraph applies to any obligation arising by virtue of a condition imposed under [<sup>F1</sup>any] of the following enactments, namely,—
- (a) section 104 of the Act of 1933 (expenses of managers of an approved school); <sup>F2</sup> . . .
  - (b) [<sup>F3</sup>section 20 of the Probation Service Act 1993] (expenditure in connection with approved probation hostels or homes).
  - [<sup>F4</sup>(c) section 3 of the Criminal Justice and Court Services Act 2000 (functions of the Secretary of State);
  - (d) section 5 of that Act (functions of local probation boards); <sup>F5</sup>...
  - (e) section 9 of that Act (approved premises),]
  - [<sup>F6</sup>(f) section 6 of the Offender Management Act 2007 (power to make grants for probation purposes etc);
  - (g) section 2(1) (responsibility for ensuring the provision of probation services) and section 3 (power to make arrangements for the provision of probation services) of the Offender Management Act 2007; or
  - (h) section 13 of the Offender Management Act 2007 (approved premises).]
- (3) In a case falling within sub-paragraph (1) of this paragraph, the section 46 order may contain provisions requiring the responsible authority or organisation or, as the case may be, the local authority to whom the premises are transferred, to pay to the Secretary of State such sum as he may determine in accordance with sub-

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paragraph (4) of this paragraph by way of repayment of a proportion of any grants made in relation to the former approved institution under either of the enactments referred to in sub-paragraph (2) of this paragraph, but where the community home concerned is an assisted community home, the section 46 order may provide that, with the consent of the Treasury, the Secretary of State may reduce the sum to be paid to him in accordance with the preceding provisions of this sub-paragraph to such sum as he thinks fit.

(4) For the purpose of determining any such sum as is mentioned in sub-paragraph (3) of this paragraph, the Secretary of State shall assess—

(a) the amount which in his opinion represents the proportion of the total amount of the grants paid in respect of expenditure in connection with the former approved institution which was attributable to expenditure of a capital nature; and

[<sup>F7</sup>(b) the amount which in his opinion represents the proportion of the contributions paid by local authorities under section 90 of the Act of 1933 or (as the case may be) the proportion of the sums paid by—

(i) probation committees under rules made under the Probation Service Act 1993,

(ii) the Secretary of State under section 3 or 9 of the Criminal Justice and Court Services Act 2000, <sup>F8</sup>...

(iii) local probation boards under section 5 of that Act,

[ the Secretary of State under sections 6 or 13 of the Offender <sup>F9</sup>(iv) Management Act 2007; and

(v) providers of probation services under section 3 of the Offender Management Act 2007.]

which (in either case) should be treated as having been paid on account of expenditure of a capital nature in connection with the former approved institution;]

(5) If the instrument of management for an assisted community home ceases to have effect as mentioned in subsection (1) of section 48 of this Act there shall be deducted from any sum which is payable to the Secretary of State under subsection (5) of that section any sums paid to him by the responsible organisation in respect of the assisted community home in pursuance of any such provisions of a section 46 order relating to the former approved institution as are referred to in sub-paragraph (3) of this paragraph.

(6) In this paragraph “the former approved institution”, in relation to a community home, means the approved institution the whole or part of the premises of which are comprised in that home.

#### Textual Amendments

**F1** Word in Sch. 3 para. 9(2) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 43(3)(a)(i)**; S.I. 2001/919, **art. 2(f)(ii)**

**F2** Word in Sch. 3 para. 9(2) repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 43(3)(a)(ii), **Sch. 8**; S.I. 2001/919, **art. 2(f)(ii)(g)**

**F3** Words in Sch. 3 para. 9(2)(4) substituted (5.2.1994) by virtue of 1993 c. 47, ss. 32, 33, **Sch. 3 para. 3(4)(a)(b)**.

**F4** Sch. 3 para. 9(2)(c)-(e) inserted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 43(3)(a)(iii)**; S.I. 2001/919, **art. 2(f)(ii)**

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- F5** Word in Sch. 3 para. 9(2) omitted (1.4.2008) by virtue of The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 3(3)(b)(i)**
- F6** Sch. 3 para. 9(2)(f)-(h) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 3(3)(b)(ii)**
- F7** Sch. 3 para. 9(4)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 43(3)(b)**; S.I. 2001/919, **art. 2(f)(ii)**
- F8** Word in Sch. 3 para. 9(4)(b) omitted (1.4.2008) by virtue of The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 3(3)(c)(i)**
- F9** Sch. 3 para. 9(4)(b)(iv)(v) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 3(3)(c)(ii)**

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