
Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Cross Heading: Provisions as to staff. (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](#)

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.
- [^{F1}(3) In respect of any such superannuation or other benefits as are referred to in sub-paragraph (2)(b) of this paragraph, being benefits to which a person became entitled before the specified date and to which the ^{M1}Pensions (Increase) Act 1971 does not apply, the section 46 order may contain such provisions for securing the payment of additional amounts (calculated by reference to increases under that Act or under any enactment repealed by it) as the Secretary of State considers appropriate having regard to any arrangements obtaining with respect to those benefits before the specified date.]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;

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- (b) may contain provisions for the protection of the interests of existing staff whose employment is not so transferred; and
- (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.

Textual Amendments

F1 Sch. 3 para. 1(3) substituted by [Pensions \(Increase\) Act 1971 \(c. 56, SIF 101A:3\)](#), **Sch. 3 para. 5**

Marginal Citations

M1 [1971 c. 56\(101A:3\)](#).

2 (1) F2

^{X1}(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.

Editorial Information

X1 The text of Sch. 3 para. 2(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F2 Sch. 3 para. 2(1) repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 30**

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