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 STATUTORY INSTRUMENTS
 

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## 1980 No. 1052

**TERMS AND CONDITIONS OF EMPLOYMENT**  
**The Redundancy Payments (Exemption) Order 1980**

<i>Made</i> - - - - -	23rd July 1980
<i>Laid before Parliament</i>	1st August 1980
<i>Coming into Operation</i>	29th August 1980

WHEREAS the parties to the agreement dated the 18th day of April 1980 set out in the Schedule to this Order made application to the Secretary of State pursuant to section 96(1) of the Employment Protection (Consolidation) Act 1978(a) (hereafter referred to as "the Act") on the 18th day of April 1980:

AND whereas the agreement is between the following parties:—

- (a) Lancashire County Council;
- (b) The Governors of Newman College;
- (c) The Governors of Longridge St. Cecilia's R.C. High School;
- (d) The Governors of Fulwood St. Cuthbert Mayne R.C. High School;
- (e) The Governors of Preston St. John Fisher R.C. High School;
- (f) The Governors of Preston St. Thomas More R.C. High School;
- (g) The Governors of Penwortham All Hallows R.C. High School;
- (h) The Governors of Chorley Holy Cross R.C. High School;
- (i) The Lancashire Division of the National Union of Teachers;
- (j) The National Association of Schoolmasters/Union of Women Teachers;
- (k) The Assistant Masters and Mistresses Association.

AND whereas the parties to the agreement are employers and trade unions representing employees:

AND whereas, under the said agreement employees of the employers who are party to the agreement have a right in certain circumstances to payments on the termination of their contracts of employment:

AND whereas, in pursuance of section 96(1) and (2) of the Act the Secretary of State, having regard to the provisions of the agreement, is satisfied that section 81 of the Act should not apply to the said employees:

NOW, therefore, the Secretary of State in exercise of his powers under section 96(1) of the Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

*Citation and commencement*

1. This Order may be cited as the Redundancy Payments (Exemption) Order 1980 and shall come into operation on 29th August 1980.

*Interpretation*

2. In this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“the exempted agreement” means the agreement set out in the Schedule to this Order;

“the relevant employers” means any of the following employers:—

- (a) The Governors of Newman College;
- (b) The Governors of Longridge St. Cecilia’s R.C. High School;
- (c) The Governors of Fulwood St. Cuthbert Mayne R.C. High School;
- (d) The Governors of Preston St. John Fisher R.C. High School;
- (e) The Governors of Preston St. Thomas More R.C. High School;
- (f) The Governors of Penwortham All Hallows R.C. High School;
- (g) The Governors of Chorley Holy Cross R.C. High School;
- (h) Lancashire County Council.

*Exemption of employees of relevant employers*

3. Section 81 of the Act shall not apply to any person in respect of his employment with any of the relevant employers, being an employment to which the exempted agreement applies.

Signed by order of the Secretary of State.  
23rd July 1980.

*Jim Lester,*  
Joint Parliamentary Under Secretary of State,  
Department of Employment.

*Article 3*

## SCHEDULE

## AGREEMENT

THIS AGREEMENT is made the eighteenth day of April 1980 BETWEEN LANCA-SHIRE COUNTY COUNCIL (hereinafter referred to as "the County Council") of the first part AND the GOVERNORS OF NEWMAN COLLEGE (hereinafter referred to as "the Governors of the College") of the second part AND the GOVERNORS OF LONGRIDGE ST. CECILIA'S R.C. HIGH SCHOOL of the third part AND the GOVERNORS OF FULWOOD ST. CUTHBERT MAYNE R.C. HIGH SCHOOL of the fourth part AND the GOVERNORS OF PRESTON ST. JOHN FISHER R.C. HIGH SCHOOL of the fifth part AND the GOVERNORS OF PRESTON ST. THOMAS MORE R.C. HIGH SCHOOL of the sixth part AND the GOVERNORS OF PENWORTHAM ALL HALLOWS R.C. HIGH SCHOOL of the seventh part AND the GOVERNORS OF CHORLEY HOLY CROSS R.C. HIGH SCHOOL of the eighth part (the parties of the third, fourth, fifth, sixth, seventh and eighth parts being collectively referred to as "the Governing Bodies") AND the LANCASHIRE DIVISION OF THE NATIONAL UNION OF TEACHERS of the ninth part AND the NATIONAL ASSOCIATION OF SCHOOLMASTERS/UNION OF WOMEN TEACHERS of the tenth part AND ASSISTANT MASTERS AND MISTRESSES ASSOCIATION of the eleventh part (the parties of the ninth, tenth and eleventh parts being hereinafter collectively referred to as "the Unions").

## WHEREAS

(1) On the 31st August, 1978, consequent upon secondary school re-organisation in Lancashire, three direct grant schools (hereinafter referred to as "the schools") known as Lark Hill House Convent Grammar School, Winckley Square Convent Grammar School and Preston Catholic College ceased to exist, upon the establishment of a new Sixth Form College known as Newman College, Preston (hereinafter referred to as "the College"), which admits pupils mainly in the age group 16-18 years, as from the 1st September, 1978. The new College is maintained by the County Council and is conducted as a Voluntary Aided School, using the existing premises of the schools.

(2) Prior to the establishment of the College on 1st September, 1978, teaching staff (hereinafter referred to as "the employees") employed by the respective Governing Bodies of the schools were offered contracts of employment by the Governors of the College and the employees duly accepted the offers so made. As from 1st September, 1978, the employees are employed by the said Governors and by virtue of the relevant provisions of the Employment Protection (Consolidation) Act, 1978 (hereinafter referred to as "the Act") the employees maintained continuity of employment as a result of the transfer of activities of the schools to the College.

(3) Prior to the establishment of the College the Schools provided education for pupils under the age of 16 years and former pupils of the schools under this age are completing their academic courses at the College; the last course will be completed by the end of the academic year 1982 (i.e. 31st August, 1982). Accordingly there will be a reduction in the number of pupils attending the College during the period 1st September, 1978 to 31st August, 1982 and in view of this there will be a related reduction of the number of the employees which will result in some of the employees being dismissed by reason of redundancy at the end of each academic year until 1982.

(4) An Agreement dated the seventeenth day of April 1980 (hereinafter referred to as "the Agreement") relating to the employees now employed by the Governors of the College (and formerly employed by the Governors of the schools) has been entered into by the County Council, the Governors of the College and the Governors of all the schools listed in the Schedule to this Agreement (hereinafter referred to as the "Scheduled Schools") in order to ensure, so far as is possible, the continued employment, within the teaching profession, of such employees. The purpose of the agreement

is to provide for the re-employment, wherever possible, of those employees who are dismissed by the Governors of the College, in the circumstances referred to in (3) above, in the Scheduled Schools and to maintain the continuity of employment of such employees for the purposes of the redundancy payments provisions of the Act.

(5) In respect of the schools listed in Part I of the Schedule the respective Governing Bodies of such schools are the employers of all teaching staff; the County Council is the employer of all teaching staff employed in the schools listed in Part II of the said Schedule.

(6) The County Council, the Governors of the College and the Governing Bodies are not "associated employers" as defined by Section 153(4) of, and paragraph 18 of Schedule 13 to, the Act so that employees who subsequently obtain employment in one of the scheduled schools do not maintain continuity of employment for the purposes of the redundancy payments provisions of the Act.

(7) It is the intention of the Governors of the College, the Governing Bodies, the County Council and the Unions which represent the employees covered by the Agreement that the employees of the Governors of the College now employed in that College and who are subsequently employed in one of the Scheduled Schools shall, for the purposes of the redundancy payments provisions of the Act, maintain continuity of employment.

NOW in order to give effect to the terms of the Agreement the County Council, the Governors of the College, the Governing Bodies and the Unions agree as follows:—

1. That an application shall be made to the Secretary of State for Employment requesting the Secretary of State to make an exemption order under Section 96 of the Act in respect of this Agreement.
2. That the employees of the Governors of the College who are subsequently, but without a break in the continuity of their employment, employed by the Governing Bodies or by the County Council at the Scheduled Schools listed in Part II of the said Schedule shall have a right to payments on termination of their contracts of employment by reason of redundancy or lay-off or short time to the extent specified in Section 88(1) and subject to other subsections of that section and other provisions of Part VI of the Act, on terms and conditions which are not less favourable than those laid down in the Act or any statutory re-enactment or amendment thereof and for the purposes of this Agreement although the County Council, the Governors of the College and the Governing Bodies are not "associated employers" as defined in Section 153(4) of, and paragraph 18 of Schedule 13 to, the Act continuity of employment for the purpose only of the redundancy payments provisions of the Act shall not be broken where an employee obtains employment at one of the Scheduled Schools and re-engagement at or an offer of employment at one of those Schools shall be treated as if the re-engagement or the offer was made by an associated employer as defined in Section 153(4) of, and paragraph 18 of Schedule 13 to, the Act.
3. That an employee dismissed by the Governors of the College by reason of redundancy shall not be entitled to a redundancy payment if that employee obtains employment at one of the Scheduled Schools or if that employee unreasonably refuses an offer of suitable alternative employment at one of the Scheduled Schools.
4. To submit to such a tribunal as is referred to in Section 91 of the Act any question arising under this Agreement as to the right of an employee to a payment on the termination of his employment at the College or at one of the Scheduled Schools, or as to the amount of such a payment as if the payment were a redundancy payment and the question arose under Part VI of the Act and the provisions of the said Section 91 shall have effect in relation to any such question.
5. In order that all relevant employees of the Governors of the College shall enjoy the advantages of this Agreement, this Agreement shall form part of the contract of employment of all employees formerly employed by the Governors of the schools and now employed by the said Governors of the College and accordingly this Agreement

will be incorporated into each individual contract of employment of employees to whom this Agreement relates either specifically or by setting out this Agreement in a document which the individual contracts of employment will incorporate by reference.

THE SCHEDULE hereinbefore referred to

PART I (AIDED)

Longridge, St. Cecilia's R.C. High School  
 Fulwood, St. Cuthbert Mayne R.C. High School  
 Preston, St. John Fisher R.C. High School  
 Preston, St. Thomas More R.C. High School  
 Penwortham, All Hallows R.C. High School  
 Chorley, Holy Cross R.C. High School

PART II (SPECIAL AGREEMENT)

Preston, St. Edmund Campion R.C. High School  
 Preston, St. John Southworth R.C. High School  
 Leyland, St. Mary's R.C. High School  
 Brownedge, St. Mary's R.C. High School

AS WITNESS the hand of Gordon Arthur Johnson Deputy Clerk duly authorised to sign on behalf of the County Council and the hand of B. K. O'Neill duly authorised to sign on behalf of the Governors of Newman College and the hand of F. Duggan duly authorised to sign on behalf of the Governors of Longridge, St. Cecilia's R.C. High School and the hand of F. Worden duly authorised to sign on behalf of the Governors of Fulwood, St. Cuthbert Mayne R.C. High School and the hand of B. K. O'Neill duly authorised to sign on behalf of the Governors of Preston, St. John Fisher R.C. High School and the hand of Gerald A. C. Muir duly authorised to sign on behalf of the Governors of Preston, St. Thomas More R.C. High School and the hand of M. J. O'Callaghan duly authorised to sign on behalf of the Governors of Penwortham, All Hallows R.C. High School and the hand of C. Jackson duly authorised to sign on behalf of the Governors of Chorley, Holy Cross R.C. High School and the hand of F. Shuttleworth duly authorised to sign on behalf of the Lancashire Division of the National Union of Teachers and the hand of R. Greenfield duly authorised to sign on behalf of the National Association of Schoolmasters/Union of Women Teachers and the hand of J. C. Starbuck duly authorised to sign on behalf of the Assistant Masters and Mistresses Association.

SIGNED by the said

Gordon Arthur Johnson  
 in the presence of:—

G. A. Johnson

G. A. Curran  
 County Hall Preston  
 Solicitor

SIGNED by the said

The V. Rev. Monsignor B. K. O'Neill  
 in the presence of:—

B. K. O'Neill

T. J. Hunt  
 Education Offices  
 Guildhall Street  
 Preston  
 Education Welfare Officer

SIGNED by the said

Rev. Francis Duggan  
in the presence of:—

F. Duggan

P. Kington  
Education Office  
Clitheroe  
Assistant District Education Officer

SIGNED by the said

Rev. F. J. G. Worden  
in the presence of:—

F. Worden

Thomas J. Hunt  
Education Offices  
Guildhall Street  
Preston  
Education Welfare Officer

SIGNED by the said

Rev. G. A. C. Muir  
in the presence of:—

Gerald A. C. Muir

Thomas J. Hunt  
Education Offices  
Guildhall Street  
Preston  
Education Welfare Officer

SIGNED by the said

The V. Rev. Monsignor B. K. O'Neill  
in the presence of:—

B. K. O'Neill

Thomas J. Hunt  
Education Offices  
Guildhall Street  
Preston  
Education Welfare Officer

SIGNED by the said

M. J. O'Callaghan  
in the presence of:—

M. J. O'Callaghan

M. R. Carroll  
A.D.E.O.  
District 7

SIGNED by the said

Charles Jackson  
in the presence of:—

C. Jackson

B. A. Gray  
District Education Officer  
Chorley

SIGNED by the said

F. Shuttleworth  
in the presence of:—

F. Shuttleworth

M. Vass  
County Hall  
Preston

SIGNED by the said

R. Greenfield  
in the presence of:—

R. Greenfield

M. Vass  
County Hall  
Preston

SIGNED by the said

J. C. Starbuck  
in the presence of:—

J. C. Starbuck

M. Vass  
County Hall  
Preston

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order, which comes into operation on 29th August 1980, excludes the application of section 81 of the Employment Protection (Consolidation) Act 1978 as respects those employees of the Governing Bodies of certain schools and of the Lancashire County Council to whom the agreement specified in the Schedule applies.

