

# **Merton Council Information on Continuous Service**

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# Continuous Service

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# **1 Introduction**

- 1.1 Continuous employment with the Council and certain other employers may entitle employees to a range of improved conditions of employment.

## **2 Continuous Service (former APT&C employees) (Subject to Review)**

- 2.1 For former APT&C Staff continuous employment is considered for calculating entitlement to:
- long service awards
  - long service increments
  - annual leave
  - certain maternity provisions
  - occupational sick pay
  - periods of notice
- 2.2 Continuous service for all the conditions listed above is, with the exception of entitlement to notice, calculated by aggregating continuous service with Merton and other relevant bodies. See section 9 for information on relevant bodies.
- 2.3 Continuity of employment will be broken by any calendar week (commencing on Sunday and ending on Saturday) where there is not a contract of employment operating. Employees who are appointed from another organisation which counts for continuous service should be advised that any break between jobs will normally invalidate their entitlement to have the previous service count as being continuous.
- 2.4 Continuous service may also be taken into account in calculating entitlement to redundancy payments.

## **3 Breaks in service (former APT&C staff)**

- 3.1 For former APT&C employees a break in service is permissible in calculating "continuous" service for the items set out above in the following circumstances:
- 3.1.1 Redundancy: where an employee is made redundant from, and subsequently returns to, local government service, and provided the break does not exceed two years, it will be disregarded regardless of whether there has been any other paid employment in the meantime;
- 3.1.2 Maternity: where an employee has been absent from the service of the Council due to maternity [i.e. child care] reasons, provided:
- the break in service does not exceed eight years, and

- no permanent full-time paid employment has intervened,
- 3.1.3 Previous service should be taken into account when calculating entitlement to all of the provisions listed above, with the exception of annual leave. Where there has been a break of service of any length, entitlement to five extra days leave after five years service will be protected, provided that no permanent full-time paid employment has intervened.

## **4 Continuous Service –(former manual and craft employees) (Subject to Review)**

- 4.1 Continuous employment is considered for calculating entitlement to:
- long service awards
  - annual leave
  - certain maternity provisions
  - occupational sick pay
  - periods of notice
- 4.2 Continuous service may also be taken into account in calculating entitlement to redundancy payments.
- 4.3 For these groups continuous service for redundancy purposes, long service awards and long service increments is calculated in the same way as for former APT&C employees (see paragraph. 2 above). Continuous service for purposes of the other entitlements is calculated by adding continuous service with Merton and other local authorities and river authorities.

## **5 Breaks in service (former manual and craft employees)**

- 5.1 For Manual and Craft employees any breaks in service, which do not exceed six weeks, will be discounted for purposes of calculating entitlement to annual leave and occupational sick pay. However any break in service will break continuity of service for maternity provisions and notice periods.

## **6 Personal records**

- 6.1 A record of the dates and length of continuous service with other local authorities and related bodies should be kept with the recruitment records and a copy included in the successful applicant's personal file.

## **7 Fixed term or temporary contracts**

- 7.1 Employees employed on Fixed Term or Temporary contracts which last for more than three months, or who accrue three months continuous service with the Council through more than one such contract, will be entitled to the full conditions of service of permanent employees.
- 7.2 Where one Fixed Term or Temporary contract finishes and another immediately commences with no break between them, then the period of continuous service is calculated from the start date of the first contract.

## **8 Further Information**

- 8.1 Further advice on calculating continuity of employment or other aspects of continuous service entitlement can be obtained from your Departmental Human Resources Section or from the Corporate Human Resources Unit.

## **9 The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999**

- 9.1 In addition to the statutory provisions of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 local authorities, including the London Borough of Merton use the list for other continuous service purposes.
- 9.2 The list is divided into two parts. Part 1 (paragraph 10) lists bodies which currently exist (as at June 2002) and Part 11 (paragraph 11) lists largely bodies which are no longer in existence.
- 9.3 Various acts of Parliament are referred to throughout the lists. These are as follows:

<b><u>Reference</u></b>	<b><u>Meaning</u></b>
"the 1972 Act"	Local Government Act 1972
"the 1980 Act"	Education (Scotland) Act 1980
"the 1985 Act"	Local Government Act 1985
"the 1988 Act"	Education Reform Act 1988
"the 1992 Act"	Further and Higher Education Act 1992
"the 1994 Act"	Local Government (Scotland) Act 1994
"the 1998 Act"	School Standards and Framework Act 1998
"the Education Act"	Education Act 1996

## **10 Part 1**

- 10.1 Bodies listed in Part I for redundancy purposes must take into account continuous service with bodies listed in either Part I or II.

### **Section 1 – Local Government**

1. In relation to England, a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly; in relation to Wales, a county council or a county borough council, established under section 20 of the 1972 Act.
  2. A council constituted under section 2 of the 1994 Act.
  3. In relation to England, a parish council, a common parish council, a parish meeting; in relation to Wales, a community council, a common community council.
  4. Any authority established by an order under section 10 of the 1985 Act.
  5. A joint board or joint body constituted by or under any enactment for the purposes of exercising the functions of two or more bodies described in any of paragraphs 1 to 4 above.
  6. Any other authority or body, not specified in any of paragraphs 1 to 4 above, established by or under any enactment for the purpose of exercising the functions of, or advising, one or more of the bodies specified in paragraphs 1 to 4 above.
- 6A. Greater London Authority.
- 6B. Transport for London.
- 6C. London Development Agency, Metropolitan Police Authority, London Fire Emergency Planning Authority
- 6D. London Transport Users Committee.
- 6E. Cultural Strategy Group for London.
7. Any committee (including a joint committee) established by or under any enactment for the purpose of exercising the functions of, or advising, one

or more of the bodies specified in any of paragraphs 1 to 6 above.

8. Any two or more bodies described in any of paragraphs 1 to 7 above acting jointly or as a combined authority.
9. Any association which is representative of any two or more authorities described in any of paragraphs 1 to 4 above.
10. Any committee established by one or more of the associations described in paragraph 9 above for the purpose of exercising the functions of, or advising, one or more of such associations.
11. An association which is representative of one or more of the associations described in paragraph 9 above and of another body or other bodies, and included in whose objects is the assembling and dissemination of information and advising with regard to conditions of service in local government service and generally.
12. An organisation which is representative of an association or associations described in paragraph 9 above and employees' organisations and among whose objects is the negotiation of pay and conditions of service in local government service.
13. A National Park authority established under section 63 of the Environment Act 1995.
14. A residuary body established by section 57(1)(b) of the 1985 Act.
15. The Residuary Body for Wales (Corff Gweddilliol Cymru).
16. The Accounts Commission for Scotland.
17. The Commission for the Local Administration in England.
18. The Commission for the Local Administration in Wales.
19. The Commission for Local Administration in Scotland.
20. The Local Government Management Board.
21. Employers Organisation for Local Government.
22. Improvement and Development Agency for Local Government.



## **Section 2 – Planning and Development**

1. One North East.
2. Yorkshire Forward.
3. North West Development Agency (NWDA).
4. Advantage West Midlands.
5. East Midlands Development Agency (EMDA).
6. East of England Development Agency (EEDA).
7. South East of England Development Agency (SEEDA).
- 7A. SEERA Limited
8. South West of England Development Agency (SWERDA).
9. A development corporation within the meaning of the New Towns Act 1981.
10. An Urban Development Corporation established under section 135 of the Local Government Planning and Land Act 1980.
11. A housing action trust established under Part III of the Housing Act 1988.
12. The Broads Authority, established under the Norfolk and Suffolk Broads Act 1988.
13. The Commission for the New Towns.
14. The Countryside Commission for Scotland.
15. The Development Board for Rural Wales.
16. The Edinburgh New Town Conservation Committee.
17. The Housing Corporation.
18. Huddersfield Pride Limited.

19. Scottish Enterprise, established under the Enterprise and New Towns (Scotland) Act 1990.
20. Scottish Homes, established under the Housing (Scotland) Act 1988.
21. Springfield Horseshoe Housing Management Co-operative Limited.
22. Housing for Wales (Tai Cymru).
23. The Welsh Development Agency.
24. Batley Action Limited.
25. Bethnal Green City Challenge Company Limited.
26. The Blackburn City Challenge Partnership Board.
27. Bolton City Challenge Partnership Limited.
28. Bradford City Challenge Limited.
29. Brixton Challenge Company Limited.
30. Community North (Sunderland) Limited.
31. Dalston City Partnership Limited.
32. Deptford City Challenge Limited.
33. Derby Pride Limited.
34. Douglas Valley Partnership Limited.
35. Harlesden City Challenge Limited.
36. Hulme Regeneration Limited.
37. Leicester City Challenge Limited.
38. Newcastle West End Partnership Limited.
39. Newtown South Aston City Challenge Limited.

40. North Kensington City Challenge Company Limited.
41. North Tyneside City Challenge Partnership Limited.
42. Stratford Development Partnership Limited.
43. Wolverhampton City Challenge Limited.
44. The Urban Regeneration Agency established under Part III of the Leasehold Reform, Housing and Urban Development Act 1993.
45. Pennine Housing 2000 Limited.
46. Twin Valley Homes Limited.
47. Urban Futures London Limited.

### **Section 3 – Education**

1. The governing body of a further education establishment for the time being mainly dependent for its maintenance on assistance from local education authorities, or grants under section 485 of the Education Act or on such assistance and grants taken together.
2. The governing body of an aided school within the meaning of the Education Act.
3. The governing body of a foundation school, voluntary aided school or foundation special school within the meaning of the 1998 Act.
4. The managers of a grant-aided school as defined in section 135(1) of the 1980 Act.
5. The governing body of a central institution as defined in section 135(1) of the 1980 Act other than a college of agriculture.
6. The governing body of a College of Education as defined in section 135(1) of the 1980 Act.
7. The managers, other than a local authority, of a school which before any direction made by the Secretary of State under paragraph 2(1) of Schedule 7 to the Social Work (Scotland) Act 1968 was a school which immediately before the commencement of Part III of that Act was approved under section 83 of the Children and Young Persons (Scotland)

Act 1937 if the employee was employed by those managers at the date the direction became effective.

8. A person carrying on a city technology college or a city college for the technology of the arts established under an agreement with the Secretary of State under section 482 of the Education Act.
  9. A company formed to manage a college of further education by virtue of section 65(1) of the Self-Governing Schools etc. (Scotland) Act 1989.
  10. The board of management of a self-governing school as defined in section 80(1) of the Self-Governing Schools etc. (Scotland) Act 1989.
  11. A further education corporation established under section 15 or 16 of the 1992 Act or in respect of which an order has been made under section 47 of that Act.
- 11A Careers Enterprise (Futures) Limited.
12. The governing body of an institution which is a designated institution for the purposes of Part 1 of the 1992 Act or, in the case of such an institution conducted by a company, that company.
  13. The board of management of a college of further education, established under Part 1 of the Further and Higher Education (Scotland) Act 1992.
  14. The governing body of a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992.
  15. A higher education corporation established under section 121 or 122 of the 1988 Act or in respect of which an order has been made under section 122A of that Act.
  16. The governing body of an institution designated under section 129 of the 1988 Act or, in the case of such an institution conducted by a company, that company.
  17. An Education Action Forum established under sections 10 and 11 of the 1998 Act.
  18. The governing body of a grant-maintained school.
  19. The governing body of a grant-maintained special school.

20. The Central Council for Education and Training in Social Work.
21. The Centre for Information on Language Teaching and Research.
22. Cwmni Cynnal.
23. The General Teaching Council for Scotland, established under the Teaching Council (Scotland) Act 1965.
24. The National Institute of Adult Continuing Education (England and Wales).
25. Newbattle Abbey College.
26. The Scottish Community Education Council.
27. Scottish Consultative Council on the Curriculum.
28. The Scottish Council for Educational Technology.
29. The Scottish Council for Research in Education.
30. The Scottish Examination Board.
31. The Scottish Vocational Education Council.

#### **Section 4 – Careers guidance**

1. Argyll & Bute Careers Partnership Limited.
2. Calderdale and Kirklees Careers Service Partnership Limited.
3. Cambridgeshire Careers Guidance Limited.
4. Capital Careers Limited.
5. Career Connections Limited.
6. Career Decisions Limited.
7. Career Development Edinburgh and Lothians.
8. Career Path (Northamptonshire) Limited.

9. Careerpaths (Cardiff and Vale) Limited.
10. Careers and Education Business Partnership.
11. Careers Central Limited.
- 11A. Careers Enterprise (Futures) Limited.
12. Careers Partnership Limited.
13. Careers Service Lancashire Area West Limited.
14. Central Careers Limited.
15. Cornwall and Devon Careers Limited.
16. Derbyshire Careers Service Limited.
17. East Lancashire Careers Services Limited.
18. Education Business Partnership (Wigan) Limited.
19. Essex Careers and Business Partnership Limited.
20. Future Steps Limited.
21. Future Careers Limited.
22. Grampian Careers.
23. Guidance Enterprises Group Limited.
24. GuideLine Career Services Limited.
25. Gwent Careers Service Partnership Limited.
26. Hereford and Worcester Careers Service Limited.
27. Hertfordshire Careers Service Limited.
28. Highland Careers Services Limited.
29. The Humberside Partnership.

30. Learning Partnership West.
31. Leeds Careers Guidance.
32. Leicestershire Careers and Guidance Services Limited.
33. Lifetime Careers Barnsley, Doncaster and Rotherham Limited.
34. Lifetime Careers Bolton, Bury and Rochdale Limited.
35. Lifetime Careers Brent and Harrow Limited.
36. Lifetime Careers Stockport and High Peak Limited.
37. Lifetime Careers Wiltshire Limited.
38. Lincolnshire Careers and Guidance Services Limited.
- 38A. London South Bank Careers.
39. Mid Glamorgan Careers Limited.
40. Norfolk Careers Services Limited.
41. North East Wales Careers Service Company Limited.
42. Orkney Opportunities Centre.
43. Prospects Careers Services Limited.
44. Quality Careers Services Limited.
45. St Helens Careers Service Limited.
46. Sheffield Careers Guidance Services.
47. Shropshire Careers Service Limited.
48. Suffolk Careers Limited.
49. Tayside Careers Limited.
50. West Glamorgan Careers and Education Business Company Limited.

## **Section 5 – Public transport**

1. A Passenger Transport Executive established under section 9(1) of the Transport Act 1968.
2. A metropolitan county passenger transport authority established by section 28 of the 1985 Act.
3. The Forth Road Bridge Joint Board.
4. The Tay Road Bridge Joint Board.

## **Section 6 – Police, fire and civil defence**

1. A fire authority constituted by a combination scheme made under the Fire Services Act 1947.
2. A police authority within the meaning of the Police Act 1996.
3. A metropolitan county fire and civil defence authority established by section 26 of the 1985 Act.

## **Section 7 – Sports Councils**

1. The English Sports Council.
2. The Scottish Sports Council.
3. The Sports Council for Wales.
4. The United Kingdom Sports Council.

## **Section 8 – Social services**

1. Coverage Care Limited.
2. The Humberside Independent Care Association.
- 2A. New Charter Building Company Limited.
- 2B. New Charter Housing Trust Limited.
3. Quantum Care Limited.



4. Sandwell Community Caring Trust Limited.
- 4A. Shetland Welfare Trust.
- 4AA. Tynedale Housing Company Limited.
5. Waltham Forest Specialist Housing Consortium Limited.
6. The Wrekin Housing Trust Limited.

## **Section 9 – Museums**

1. The Board of Governors of the Museum of London.
2. The Board of Trustees of The National Museums and Galleries on Merseyside.
3. Coventry Museum of British Road Transport.
4. The Geffrye Museum Trust.
5. The Horniman Public Museum and Public Park Trust.
6. National Coal Mining Museum for England Trust Limited.
7. The Scottish Museums Council.

## **Section 10 – Miscellaneous bodies**

1. A valuation tribunal established under the Local Government Finance Act 1988.
2. A new water and sewerage authority established under section 62(1) of the 1994 Act.
3. An area tourist board established by virtue of an order made under section 172, 173 or 174 of the 1994 Act.
4. A probation committee within the meaning of the Probation Service Act 1993.
5. A magistrates' courts committee or the Committee of Magistrates for the Inner London Area, within the meaning of the Justices of the Peace Act

1979.

5A. A body designated as a Care Trust under section 45 of the Health and Social Care Act 2001.

6. The Business Shop – Angus Limited.

6A. Care Standards Inspectorate for Wales.

6AA. The Children and Family Court Advisory and Support Service.

7. C.I.P. (Hounslow) Limited.

7A. Clackmannanshire Leisure.

8. Community Initiative Partnerships.

8A. Coventry Sports Trust Limited.

9. Derwentside Leisure Limited.

9A. Edinburgh Leisure.

9AA. Enfield Leisure Centres Limited.

10. The Environment Agency.

11. Greenwich Leisure Limited.

12. Hounslow Cultural and Community Services.

13. Hounslow Sports and Recreation Services.

14. The Land Authority for Wales.

15. Leisure Tynedale.

16. The Lee Valley Regional Park Authority.

17. The London Pensions Fund Authority.

17A. The National Care Standards Commission.

18. National Mobility Services Trust Limited.
19. New Park Village TMC Limited.
20. The Scottish Children's Reporter Administration established under section 128 of the 1994 Act.
21. The Scottish Environment Protection Agency.
22. The Scottish Water and Sewerage Customer Council.
23. The South Yorkshire Pensions Authority.
24. Strathclyde European Partnerships Limited.
25. West Lothian Leisure Limited.

## **11 PART II**

- 11.1 Bodies listed in Part II which still exist are not bound by the Modification Order.

### **Section 1 – Local government**

1. The Greater London Council.
2. The London Residuary Body established by section 57(1)(a) of the 1985 Act.
3. The council of an administrative county, county borough (other than one established under section 20 of the 1972 Act), metropolitan borough or county district.
4. A regional council, islands council or district council established by or under the Local Government (Scotland) Act 1973.
5. The council of a county, county of a city, large burgh, small burgh or district ceasing to exist after 15<sup>th</sup> May 1975.
6. Any joint board or joint body constituted by or under any enactment for the purpose of exercising the functions of two or more of the bodies described in any of paragraphs 1 to 5 above, and any special planning board within

the meaning of paragraph 3 of Schedule 17 to the 1972 Act.

7. Any other body, not specified in any of paragraphs 1 to 6 above, established by or under any enactment for the purpose of exercising the functions of, or advising, one or more of the bodies specified in any of paragraphs 1 to 6 above.
8. Any committee (including a joint committee) established by or under any enactment for the purpose of exercising the functions of, or advising, one or more of the bodies described in any of paragraphs 1 to 6 above.
9. Any two or more bodies described in any of paragraphs 1 to 8 above acting jointly or as a combined authority.
10. Any association which was representative of any two or more bodies described in any of paragraphs 1 to 5 above.
11. Any committee established by one or more of the associations described in paragraph 10 above for the purpose of exercising the functions of, or advising, one or more of such associations.
12. Any organisation which was representative of an association or associations described in paragraph 10 above and employees' organisations and among whose objects was to negotiate pay and conditions of service in local government service.
13. The council of a county or district in Wales ceasing to exist after 31<sup>st</sup> March 1996.
14. The Local Government Training Board.

## **Section 2 – Planning and development**

1. A development corporation within the meaning of the New Towns Act 1946 or the New Towns Act 1965.
2. A development corporation established under section 2 of the New Towns (Scotland) Act 1968.
3. The Scottish Development Agency.
4. The Scottish Special Housing Association.

5. The English Industrial Estates Corporation established by the Local Employment Act 1960.

### **Section 3 – Education**

1. The governing body of an aided school within the meaning of the Education Act.
2. The governing body of a grant-maintained school.
3. The governing body of a grant-maintained special school.
4. The proprietor (within the meaning of section 579(1) of the Education Act) of a school for the time being recognised as a grammar school for the purposes of regulation 4(1) of the Direct Grant Schools Regulations 1959, being a school in relation to which, before 1<sup>st</sup> January 1976, the Secretary of State was satisfied as mentioned in regulation 3(1) of the Direct Grant Grammar Schools (Cessation of Grant) Regulations 1975.
5. The proprietor (within the meaning of section 114(1) of the Education Act 1944) of a school not falling within paragraph 1 of this section which throughout the period of employment was recognised as a grammar school or, as the case may be, as a direct grant grammar school for the purposes of regulation 4(1) of the Direct Grant Schools Regulations 1959, of Part IV of the Schools Grant Regulations 1951 or of Part IV of the Primary and Secondary Schools (Grant Conditions) Regulations 1945.
6. The managers of a school which during the period of employment was approved under section 83 of the Children and Young Persons (Scotland) Act 1937.
7. The managers of a school which during the period of employment was a grant-aided school within the meaning of section 143 (1) of the Education (Scotland) Act 1946, section 145(22) of the Education (Scotland) Act 1962 or section 135(1) of the 1980 Act.
8. The managers of a school which during the period of employment was a school which, immediately before the commencement of Part III of the Social Work (Scotland) Act 1968, was approved under section 83 of the Children and Young Persons (Scotland) Act 1937.
9. An institution within the PCFC funding sector, within the meaning of section 132 (6) of the 1988 Act.

10. The Further Education Staff College.
11. The Inner London Education Authority, known as the Inner London Interim Education Authority for a period prior to the abolition date as defined in section 1(2) of the 1985 Act.
12. The National Advisory Body for Public Sector Higher Education.
13. The Polytechnics and College Funding Council as established by section 132 of the 1988 Act.
14. The Scottish Association for National Certificates and Diplomas.
15. The Scottish Business Education Council.
16. The Scottish Council for Commercial, Administrative and Professional Education.
17. The Scottish Technical Education Council.
18. The Secretary of State for Defence in relation only to employees in schools administered by the Service Children's Education Authority.
19. The Secretary of State for Education and Employment, in relation only to teachers employed under contract in the European School established under Article 1 of the Statute of the European School and in schools designated as European Schools under Article 1 of the Protocol to that Statute.
20. A person who during the period of employment, performed a function of a local education authority pursuant to a direction given by the Secretary of State under s.497A (4) of the Education Act 1996.

#### **Section 4 – Careers guidance**

1. Black Country Careers Services Limited.
2. Buckinghamshire Careers Services Limited.
3. Kent Careers and Guidance Service Limited.

#### **Section 5 – Police, fire and civil defence**

1. A previous police authority in relation to which Schedule 11 to the Police Act 1964 had effect or which was the police authority for an area or district which was before 1<sup>st</sup> April 1947 or after 31<sup>st</sup> March 1946 a separate police area or, in Scotland, a previous police authority for an area which was before 16<sup>th</sup> May 1975 a separate or combined police area.
2. London Fire and Civil Defence Authority.

## **Section 6 – Sports Councils**

The Sports Council.

## **Section 7 – Social services**

A person or body of persons responsible for the management of an assisted community home within the meaning of section 36 of the Children and Young Persons Act 1969 or of an approved institution within the meaning of section 46 of that Act.

## **Section 8 – Miscellaneous**

1. A regional water board established under section 5 of the Water (Scotland) Act 1967.
2. A river purification board established under section 2 of the Rivers (Prevention of Pollution) (Scotland) Act 1951.
3. A river purification board established under section 135 of the Local Government (Scotland) Act 1973.
4. A local valuation panel constituted under the Local Government Act 1948 or established under the General Rate Act 1967.
5. The Central Scotland Water Development Board.
6. The Scottish Industrial Estates Corporation (formerly the Industrial Estates Management Corporation for Scotland) established by section 8 of the Local Employment Act 1960.
7. The Small Industries Council for Rural Areas of Scotland, being a company which was dissolved by section 15(5) of the Scottish Development Agency Act 1975 and was until then registered under the Companies Acts from time to time in force.

8. The Welsh Industrial Estates Corporation (formerly the Industrial Estates Management Corporation for Wales) established by section 8 of the Local Employment Act 1960.