STATUTORY INSTRUMENTS

1965 No. 623

LONDON GOVERNMENT

The London Government (Probation Staff and Property) Order 1965

Made - - - -	*25th March* 1965
Laid before Parliament	*31st March* 1965
Coming into Operation	*1st April* 1965

In exercise of the powers conferred on me by sections 84 and 85 of the London Government Act 1963(a), as extended by section 35 of the Administration of Justice Act 1964(b), I hereby make the following Order:—

Transfer of staff

1. Any probation officer or other person employed in connection with the probation service in the metropolitan police court area shall be transferred on 1st April 1965 to the employment of the probation committee for the inner London area.

2. Any probation officer or other person employed in connection with the probation service by a probation committee for a probation area named in column 1 of Schedule 1 to this Order and employed wholly or mainly in, or operating wholly or mainly from, premises in that part of the probation area specified in an entry in column 2 of the said Schedule 1, shall be transferred on 1st April 1965 to the employment of the probation committee for the probation area specified opposite to that entry in column 3 of the said Schedule 1.

Provisions supplementary to Articles 1 *and* 2

3.—(1) Any provision in this Order for the transfer of persons employed by any authority applies to any person who, on 31st March 1965, is in the employment of such authority, but in the case of a person not in the whole-time employment of the authority the transfer effected by such provision in its application to the authority is limited to employment with the authority.

(2) Nothing in Articles 1 and 2 applies to any person as regards any employment which, otherwise than by virtue of the abolition of the authority by which he is employed, is to be terminated on 31st March 1965.

(3) Where on 31st March 1965 a person has not taken up the duties of his employment he shall be deemed, in the application of Article 2, to be employed in, or to be operating from, the premises in which he would be employed or from which he would be operating if he had taken up such duties.

(a) 1963 c. 33. (b) 1964 c. 42.

(4) Where any person to whom Article 1 or 2 applies is on 31st March 1965 absent from his normal duties for the purpose of undergoing training, that Article shall apply—

(*a*) if it was part of the arrangements under which he is so absent that at the completion of such training he should be employed in a place, situation or employment different from the place, situation or employment which he occupied prior to the commencement of the training, as if he was, on 31st March 1965, occupying such different place, situation or employment;

(*b*) otherwise as if he was, on 31st March 1965, occupying the place, situation or employment which he occupied immediately prior to the commencement of such training.

(5) Where any person to whom Article 1 or 2 applies is on 31st March 1965 absent from his normal duties otherwise than for the purpose of undergoing training he shall be deemed, in the application of that Article, to be discharging such duties, and to be discharging them in, or from, the premises in, or from, which he normally discharges them.

(6) Any question whether a person is employed wholly or mainly in, or operating wholly or mainly from, any premises shall be determined by a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor and any such reference may be made in relation to a person at any time before 1st May 1965.

(7) Any probation committee named in column 3 of Schedule 1 to this Order shall ensure that any person employed by them is informed as to the provisions of this Order which apply to him and, in particular, as to the provisions of Articles 3(6) and 4(1).

Protection of staff transferred

4.—(1) Every probation officer or other person transferred by Article 1 or 2 to the employment of a probation committee shall, so long as he continues in that employment by virtue of the transfer and until he is served with a statement in writing of new terms and conditions of employment, enjoy terms and conditions of employment not less favourable than those he enjoyed immediately before 1st April 1965. The said new terms and conditions shall be such that—

(*a*) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before 1st April 1965, the scale of his salary or remuneration, and

(*b*) the other terms and conditions of his employment,

are not less favourable than those he enjoyed immediately before 1st April 1965, and any question whether duties are reasonably comparable as aforesaid shall be determined by a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor.

(2) A written statement given in accordance with section 4(1) of the Contracts of Employment Act 1963(a) shall not be regarded as a statement of new terms and conditions of employment for the purposes of this Article unless the statement so indicates.

Secondary transfers

5. Any person transferred by or under Article 1 or 2 to the employment of a probation committee may before 1st July 1965 (or if no statement in writing of new terms and conditions of employment under Article 4 is then in force before the service of such a statement) be transferred by the said committee, with the agreement of any one of the other probation committees

(a) 1963 c. 49.

named in Schedule 1 to this Order and of the officer, to the employment of that other probation committee, and Article 4 shall thereupon apply to such officer as it applies to officers transferred by the Article first mentioned.

Saving for training arrangements

6. Any arrangements under which any person transferred by or under Article 1 or 2 underwent training which have not been discharged before 1st April 1965 shall continue to apply with the substitution, for the authority in whose employment the officer was prior to the commencement of the training, of the probation committee to whose employment he has been transferred as aforesaid.

Saving for extensions of service

7. Any extension of service under Rule 45 of the Probation Rules 1949(**a**) as set out in Rule 2 of the Probation Rules 1960(**b**) effective immediately before 1st April 1965 in relation to a person transferred by or under Article 1 or 2 shall continue to have effect as if it had been made by the probation committee to whose employment he is transferred as aforesaid.

Appointment of assessor

8. On any reference under Article 3(6) or 4(1) the referee or board of referees may, if he or they think fit, appoint a person having special knowledge or experience in relation to the subject matter of the reference to sit with him or them as assessor.

Transfer of property

9.—(1) Subject to the provisions of paragraph (2) of this Article, any land held by a probation committee named in column 1 of Schedule 1 to this Order and situate in that part of the probation area specified in an entry in column 2 of the said Schedule 1 and all liabilities attaching to the probation committee in respect of the land shall be transferred to and vest in or attach to the probation committee specified opposite to that entry in column 3 of the said Schedule 1, and

(*a*) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the first mentioned probation committee in respect of such land and liabilities shall be of full force and effect in favour of, or against, the second mentioned probation committee;

(*b*) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, the first mentioned probation committee in respect of such land and liabilities shall not be prejudicially affected by reason of the London Government Act 1963 or the Administration of Justice Act 1964, and may be continued, prosecuted and enforced by, or against, the second mentioned probation committee.

(2) In its application to the Hampstead probation committee paragraph (1) of this Article shall have effect as if there were substituted therein references to the Receiver for the metropolitan police district for references to the probation committee specified in column 3 of Schedule 1 to this Order and to "the second mentioned probation committee".

10. Where by Article 9 any building is transferred to and vested in a probation committee, the fittings, furniture, equipment and stores in such building, and all liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action and proceedings existing in relation thereto, shall, except in so far as such probation committee shall otherwise agree, by virtue of this Order be transferred to such probation committee.

(**a**) S.I. 1949/1328 (1949 I, p. 3508). (**b**) S.I. 1960/1443 (1960 II, p. 2774).

11. Where a probation officer is transferred under this Order from the employment of the probation committee for the probation area of Essex, Hertfordshire, Kent or Surrey and that committee has provided a motor vehicle for his use it shall be transferred to the probation committee to whose employment the probation officer is transferred.

12. Subject to the provisions of Articles 9 and 10—

(*a*) all property and liabilities vested in or attaching to a probation committee for a probation area named in column 1 of Schedule 2 to this Order shall, by virtue of this Order, be transferred to and vest in or attach to the authority specified in respect of such probation committee in column 2 of the said Schedule 2;

(*b*) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, a probation committee for a probation area named in column 1 of Schedule 2 to this Order shall be of full force and effect in favour of, or against, the authority specified in respect of such probation committee in column 2 of the said Schedule 2;

(*c*) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, a probation committee for a probation area named in column 1 of Schedule 2 to this Order shall not be prejudicially affected by reason of the London Government Act 1963 or the Administration of Justice Act 1964, and may be continued, prosecuted and enforced by, or against, the authority specified in respect of such probation committee in column 2 of the said Schedule 2.

Title, commencement and interpretation

13.—(1) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) In this Order any reference to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.

14. This Order may be cited as the London Government (Probation Staff and Property) Order 1965 and shall come into operation on 1st April 1965.

Frank Soskice,

One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
25th March 1965.

(a) 52 & 53 Vict. c. 63.

Article 2

SCHEDULE 1

1 Probation area of transferor probation committee	2 Relevant part of the transferor probation committee's area	3 Probation area of transferee probation committee
Beacontree	The whole area	North-east London area.
Croydon	The whole area	South-east London area.
East Ham	The whole area	North-east London area.
Essex	That part of the area which on 1st April 1965 will form part of Greater London.	North-east London area.
Hampstead	The whole area	Inner London area.
Hertfordshire ...	That part of the area which on 1st April 1965 will form part of Greater London.	Middlesex area.
Kent	That part of the area which on 1st April 1965 will form part of Greater London.	South-east London area.
Middlesex	(*a*) That part of the area which on 1st April 1965 will form the Twickenham petty sessional division of the south-west London area.	South-west London area.
	(*b*) That part of the area which on 1st April 1965 will form the Staines and Sunbury petty sessional division of the county of Surrey.	Surrey.
	(*c*) That part of the area which on 1st April 1965 will form part of the South Mimms petty sessional division of the county of Hertford.	Hertfordshire.
	(*d*) The remainder of the area ...	Middlesex area.
Surrey	(*a*) That part of the area which on 1st April 1965 will form the Coulsdon and Purley petty sessional division of the south-east London area.	South-east London area.
	(*b*) That part of the area which on 1st April 1965 will form part of Greater London other than such part as is specified in the last preceding entry in this column.	South-west London area.
West Ham	The whole area	North-east London area.

SCHEDULE 2 Article 12

1 Probation area of transferor probation committee	2 Transferee authority
Beacontree	The probation committee for the north-east London area.
Croydon	The probation committee for the south-east London area.
East Ham	The probation committee for the north-east London area.
Hampstead	The Receiver for the metropolitan police district.
Middlesex	The probation committee for the Middlesex area.
West Ham	The probation committee for the north-east London area.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes general provision consequential on the Administration of Justice Act 1964 for the transfer, and protection of interests, of probation officers and other persons employed in connection with the probation service in London.