STATUTORY INSTRUMENTS

1973 No. 1564

CHILDREN AND YOUNG PERSONS

The Cessation of Approved Institutions (Approved Schools) (No. 3) Order 1973

Made - - - - *7th September* 1973

Coming into Operation *1st October* 1973

The Secretary of State for Social Services in exercise of his power under section 46 of the Children and Young Persons Act 1969(a) 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 Cessation of Approved Institutions (Approved Schools) (No. 3) Order 1973, and shall come into operation on 1st October 1973.

Interpretation

2.—(1) In this order unless the context otherwise requires—

"approved institution" has the meaning assigned to it under section 46 of the Children and Young Persons Act 1969;

"approved schools" means schools which are approved by the Secretary of State under section 79(1) of the Children and Young Persons Act 1933(b);

"protected person" means a person employed by a voluntary organisation mentioned in column 3 of the Schedule in respect of an approved school mentioned in column 2 of the Schedule;

"the Schedule" means the Schedule to this order;

"the specified date" means 1st October 1973;

"the tribunal" means a tribunal established under section 12 of the Industrial Training Act 1964(c), and referred to in section 100 of the Industrial Relations Act 1971(d);

"Planning Areas numbers 3 and 8" are the areas so designated in the Schedule to the Children and Young Persons (Planning Areas) Order 1970(e).

(2) The Interpretation Act 1889(f) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(a) 1969 c. 54.
(b) 1933 c. 12.
(c) 1964 c. 16.
(d) 1971 c. 72.
(e) S.I. 1970/335 (1970 I, p. 1220).
(f) 1889 c. 63.

Cessation as approved institutions

3. It having appeared to the Secretary of State that in consequence of the establishment of community homes in any planning area mentioned in column 1 of the Schedule the approved schools mentioned in column 2 of the Schedule and managed by the voluntary organisations mentioned in column 3 of the Schedule are no longer required, he hereby orders that the said approved schools shall cease to be approved institutions as from the specified date.

Safeguarding of interests

4.—(1) A protected person shall, until he is served with a statement in writing referring to this order and specifying new terms and conditions of employment, enjoy terms and conditions of employment not less favourable than those he enjoyed immediately before the specified date.

(2) Any new terms and conditions of employment contained in such a statement as aforesaid shall be such that—

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

(*b*) the other terms and conditions of his employment, shall not be less favourable than those he enjoyed immediately before the specified date.

(3) Any question whether duties are reasonably comparable or whether terms and conditions of employment are less favourable as mentioned in paragraph (2) of this article shall where necessary be determined by the tribunal.

(4) A written statement given in accordance with section 4(1) of the Contracts of Employment Act 1972**(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; and such a statement for the purposes of this article shall draw the attention of the person concerned to his right to have any question as to comparability of duties or terms and conditions of employment determined in accordance with the preceding paragraph and give him the address to which the reference of any such questions for determination should be sent.

(5) For the purposes of this article any reference to terms and conditions of employment includes a reference to any restriction, arising under any Act or any instrument made under any Act, on the termination of the employment of any person.

(6) Any determination made by the tribunal as provided under paragraph (3) of this article shall be made in accordance with the Industrial Tribunals (Industrial Relations, etc.) Regulations 1972**(b)** and this order, and in respect of any hearing of the tribunal for the purposes of any such determination a person or persons may be appointed to sit with the tribunal as assessor or assessors.

(7) Any determination of the tribunal as mentioned in paragraph (6) of this article shall, subject to any modification that may be required in consequence of any appeal from that determination on a point of law, be given effect to by the voluntary organisation employing the protected person.

(a) 1972 c. 53. **(b)** S.I. 1972/38 (1972 I, p. 91).

Superannuation

5. Where immediately before the specified date any voluntary organisation specified in column 3 of the Schedule is paying to a person who ceased to be employed at or in connection with the school specified in column 2 of the Schedule shown opposite the name of such voluntary organisation an allowance to supplement a pension payable to that person under the Home Office Superannuation Scheme the said voluntary organisation shall pay to that person such additional amounts as may from time to time be calculated with and by reference to increases under the Pensions (Increase) Act 1971**(a)** or any enactment repealed by it.

Financial provisions

6. Each voluntary organisation specified in column 3 of the Schedule shall repay to the Secretary of State such sum as he may determine in accordance with paragraph 9(4) of Schedule 3 to the Children and Young Persons Act 1969 in relation to the approved school specified in column 2 of the Schedule shown opposite the name of such voluntary organisation, such sum to be paid before the expiry of three months from the date it is notified to the voluntary organisation, but so that with the consent of the Treasury the Secretary of State may reduce the sum to be so paid to him to such sum as he may think fit, in which case the sum so reduced shall be paid to the Secretary of State before the expiry of three months from its notification to the voluntary organisation.

Signed by authority of the Secretary of State for Social Services.

M. G. Russell,
Assistant Secretary,
Department of Health and Social Security.

7th September 1973.

Articles 3, 5 and 6

SCHEDULE

1 Planning Area	2 Approved School	3 Voluntary Organisation
Area No. 3	St. Vincent's, Formby	Liverpool Catholic Children's and Social Services
Area No. 8	St. Vincent's, Dartford	Southwark Catholic Children's Society.

(a) 1971 c. 56.

EXPLANATORY NOTE

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

This Order makes provision for the cessation as approved institutions of certain approved schools for the protection of the interests of the staff and certain pensioners of such schools after the schools become assisted community homes and for the repayment to the Secretary of State by voluntary organisations of grants which had been made to them in respect of the schools.

SI 1973/1564
ISBN 0-11-031564-2

