STATUTORY INSTRUMENTS

1973 No. 632

CHILDREN AND YOUNG PERSONS

The Cessation of Approved Institutions (Approved Schools) Order 1973

Made - - -	*29th March* 1973
Coming into Operation	*1st April* 1973

The Secretary of State for Social Services in exercise of his powers 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) Order 1973, and shall come into operation on 1st April 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 school" means a school which is approved by the Secretary of State under section 79(1) of the Children and Young Persons Act 1933(**b**) and provided by a local authority or local authorities under section 80(1) of that Act;

"a protected person" means a person employed by a local authority or local authorities 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 April 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**).

(2) Planning Areas numbers 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 are those areas designated in the Schedule to the Children and Young Persons (Planning Areas) Order 1970(**e**).

(3) 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 provided by the local authority or authorities mentioned in columns 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

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

of any appeal from that determination on a point of law, be given effect to by the council employing the protected person.

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

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

29th March 1973.

SCHEDULE Article 3.

1 *Planning Area*	2 *Approved School*	3 *Local Authority or Authorities*
Number 2	Castle Howard	The Council of the County Borough of Kingston-upon-Hull
	Moorland House	The Council of the County Borough of Bradford
	Moorside	The Council of the County Borough of Sheffield
	Shadwell	The Council of the County Borough of Leeds
	Stockton Hall	The Council of the County Borough of York
	Thorparch Grange	The Council of the County Borough of Leeds
Number 3	Blackburn House	The Council of the County Borough of Blackburn
	Greystone Heath	The Council of the County Borough of Liverpool
	Meadowcroft	The County Council of Lancashire
	Mobberley	The Council of the County Borough of Manchester
Number 4	Shawbury	The Council of the County Borough of Birmingham
	Werrington	The County Council of Staffordshire
Number 5	Desford	The Council of the County Borough of Leicester
	Risley Hall	The County Council of Nottinghamshire
	Skegby Hall	The County Council of Nottinghamshire
Number 6	Chafford	The County Council of Essex
	Kneesworth House	The County Council of Cambridgeshire and Isle of Ely
Number 7	Danesbury	The County Council of Hertfordshire
	Pishiobury	The County Council of Hertfordshire
Number 8	St. Christopher's	The Council of the London Borough of Hillingdon
Number 9	Banstead Hall	The County Council of Surrey
	Hays Bridge	The County Council of Surrey
	Mayford	The County Council of Surrey
	Mile Oak	The County Council of East Sussex
	North Downs	The County Council of Kent
	Shermanbury Grange	The County Council of West Sussex
	Walsh Manor	The County Council of East Sussex

1 *Planning Area*	2 *Approved School*	3 *Local Authority or Authorities*
Number 10	Winton House	The County Council of Hampshire
Number 11	The Crescent	The Council of the County Borough of Bristol
	Jordan's Brook House	The County Council of Gloucestershire
Number 12	Bryn-y-Don	A Joint Committee of the Council of the County Borough of Cardiff and the County Council of Glamorgan
	Glamorgan Farm	The County Council of Glamorgan
	Ty Mawr	The County Council of Breconshire

EXPLANATORY NOTE

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

This Order makes provision for the cessation as approved institutions of certain approved schools provided by local authorities and for the protection of the interests of the staff of such schools after the schools become community homes.

SI 1973/632
ISBN 0-11-030632-5

