STATUTORY INSTRUMENTS

1973 No. 1495

CHILDREN AND YOUNG PERSONS

The Cessation of Approved Institutions (Eastmore House) Order 1973

Made - - - *23rd August* 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 (Eastmore House) 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;

"the Council" means the county council of the Isle of Wight;

"a protected person" means a person employed by the county council of the Isle of Wight in respect of the school;

"the school" means the school as approved by the Secretary of State under section 79(1) of the Children and Young Persons Act 1933**(b)** and known as Eastmore House;

"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 Area No. 10" means the area 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.

Cessation as an approved institution

3. It having appeared to the Secretary of State that in consequence of the establishment of community homes in Planning Area No. 10 the school is no longer required he hereby orders that it shall cease to be an approved institution as from the specified date.

(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.

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 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 Council.

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

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

23rd August 1973.

(**a**) 1972 c. 53.

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

EXPLANATORY NOTE

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

This Order makes provision for the cessation as an approved institution of Eastmore House approved school and for the protection of the interests of the staff of the school after the school becomes a community home.

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