
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 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 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, and referred to in section 100 of the Industrial Relations Act 1971.

(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(1)

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

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 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⁽²⁾ 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 council employing the protected person.

(2) (1972 1, p. 91).

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

29th March 1973

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

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SCHEDULE

Article 3

| <i>1</i> | <i>2</i> | <i>3</i> |
|---------------|----------------------|---|
| Planning Area | Approved School | 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 |
| 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 |

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| <i>1</i> | <i>2</i> | <i>3</i> |
|---------------|-----------------|---|
| Planning Area | Approved School | Local Authority or Authorities |
| 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 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.