

STATUTORY INSTRUMENTS

1975 No. 969

CHILDREN AND YOUNG PERSONS

The Cessation of Approved Institutions (Park House School)
Order 1975*Made* - - - - 9th June 1975*Coming into Operation* 1st July 1975

The Secretary of State for Social Services in exercise of her power under section 46 of the Children and Young Persons Act 1969(a) and of all other powers enabling her in that behalf, hereby makes the following order:—

Citation and commencement

1. This order may be cited as the Cessation of Approved Institutions (Park House School) Order 1975, and shall come into operation on 1st July 1975.

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;

“a protected person” means a person employed by the managers 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 Park House School;

“the managers” means the managers of the school for the purpose of section 79(1) of the Children and Young Persons Act 1933;

“the specified date” means 1st July 1975;

“the tribunal” means a tribunal established under section 12 of the Industrial Training Act 1964(c), and referred to in paragraph 15 of Part III of Schedule 1 to the Trade Union and Labour Relations Act 1974(d);

“Planning Area No. 9” means the area so designated in the Schedule to the Children and Young Persons (Planning Areas) Order 1974(e);

“Trustee” means the trustee named in the trust deed referred to in article 5 of this order;

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(f) shall apply for the purposes of interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

(a) 1969 c. 54.

(c) 1964 c. 16.

(e) S.I. 1974/163 (1974 I, p. 545).

(b) 1933 c. 12.

(d) 1974 c. 52.

(f) 1889 c. 63.

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. 9 the school as such is no longer required she hereby orders that it shall cease to be an approved institution as from the specified date.

Safeguarding of interests of the staff

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 (Labour Relations) Regulations 1974(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 voluntary organisation or other body of persons employing the protected person after the school ceases to be an approved institution.

Substitution of repayment conditions

5. The managers as persons upon whom falls a repayment obligation relating to the school as referred to in paragraph 9(2) of Schedule 3 to the Children and Young Persons Act 1969 having applied to the Secretary of State

(a) 1972 c. 53.

(b) S.I. 1974/1386 (1974 II, p. 5330).

under paragraph 11(1) of that Schedule and it having appeared to the Secretary of State that on or within a reasonable time after the specified date the premises of the school are to be used for a purpose which is of benefit to children, namely, a non-maintained special school, the Secretary of State with the consent of the Treasury in exercise of her powers under paragraph 11(2) of the said Schedule hereby orders that for the conditions under which the repayment obligation arose (as set out in paragraph 10 of a trust deed made on 10th March 1947 between Coutts and Company as Trustee, and Moses Hyman Isaacs and others, the School Managers, in letters between the Home Office or the Department of Health and Social Security and the School Managers dated 19th August 1957 and 16th December 1957 and in such other letters which are not able to be discovered), there shall be substituted different conditions with respect to the repayment of the sum to which the repayment obligation relates, namely, that on the school ceasing to be a non-maintained special school the Trustee shall subject to the consent of the Secretary of State and any requisite consent of the Charity Commissioners sell and dispose of the school property or shall otherwise dispose of the same in such manner as the Secretary of State shall approve and shall apply the net proceeds arising therefrom as follows:—

- (i) firstly in discharging outstanding liabilities incurred by the Trustee and managers in connection with the said property and the establishment, equipment, carrying on and maintenance of the school and winding up of its affairs or otherwise in connection with the said trust deed varied by a Scheme sealed by the Charity Commission on 5th June 1975;
- (ii) secondly in or towards repayment to the Exchequer of the sum of one hundred and forty-nine thousand seven hundred and eighty six pounds and three pence (£149,786·03) reduced by such sums in respect of loans raised by the managers with the approval of the Secretary of State for the carrying on of the school as shall be outstanding at the specified date.

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

A. F. Taggart,
Assistant Secretary,
Department of Health and Social Security.

9th June 1975.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for the cessation as an approved institution of Park House approved school and for the protection of the interests of the staff after the school becomes a non-maintained special school.

It substitutes for a condition of repayment of sums paid by the Treasury which was to have effect if the school ceased to be an approved school a new condition of repayment which is to have effect if the school ceases to be a non-maintained special school.

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