
STATUTORY INSTRUMENTS

1992 No. 2170

CHILDREN AND YOUNG PERSONS

**The Red Bank Instrument of
Management (Variation) Order 1992**

Made - - - - *9th September 1992*
Laid before Parliament *10th September 1992*
Coming into force - - *1st October 1992*

The Secretary of State for Health in exercise of the powers conferred by sub-paragraph (5) of paragraph 2 of Schedule 4 to the Children Act 1989⁽¹⁾ after consultation in accordance with that sub-paragraph with Red Bank Schools Limited, the voluntary organisation by which the Red Bank voluntary home is provided, and with the Lancashire County Council, the local authority specified in the Red Bank Instrument of Management Order 1973⁽²⁾ and of all other powers enabling her in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Red Bank Instrument of Management (Variation) Order 1992 and shall come into force on 1st October 1992.

(2) In this Order “the principal Order” means the Red Bank Instrument of Management Order 1973.

Amendment of Article 2 of the principal Order

2.—(1) Article 2(1) of the principal Order (interpretation) shall be amended as follows—

(a) for the definition of “the Act” there shall be substituted—

““the Act” means the Children Act 1989”;

(b) for the definition of “local authority” there shall be substituted—

““local authority” has the same meaning as in the Act except that “the Local Authority” means the St. Helens Metropolitan Borough Council”.

⁽¹⁾ 1989 c. 41.

⁽²⁾ Instrument of Management Order 1973/45, as varied by Instrument of Management (Variation) Order 1975/194 and Instrument of Management (Variation) Order 1979/305.

(2) In Article 2(2) of the principal Order for the words “The Interpretation Act 1889” there shall be substituted the words “The Interpretation Act 1978”(3).

Amendment of Article 3 of the principal Order

3. Article 3 of the principal Order (purpose and nature of home) shall be amended as follows—

(a) for paragraph (2) there shall be substituted the following paragraph—

“(2) Subject to paragraph (3) of this Article, the following facilities shall be provided at the home—

- (a) a special unit for the education and treatment of 26 children;
- (b) a unit at the premises known as Vardy House for the education and treatment of 8 children;
- (c) two remand units each for 6 children remanded to local authority accommodation;
- (d) two rehabilitation units each for 3 children from the special unit who enter an open rehabilitation programme; and
- (e) a unit for 6 children who leave Vardy House.”

(b) After paragraph (2) there shall be inserted the following paragraph—

“(3) The number of children for whom any facility to which paragraph (2) refers is provided may be varied by agreement in, or evidenced in, writing between the Organisation and the Local Authority.”

Amendment of Article 5 of the principal Order

4. In Article 5 of the principal Order (character of home) for the words “section 40(3) of the Act” there shall be substituted the words “paragraph 2(4) of Schedule 4 to the Act (instrument of management to prevail over provisions of trust deed)”.

Amendment of Article 6 of the principal Order

5. In Article 6(2) of the principal Order (appointment of managers) for the words “County Council term” there shall be substituted the words “Metropolitan Borough Council term”.

Amendment of Article 11 of the principal Order

6. In Article 11 of the principal Order (secretary) for the words “The Clerk of the Local Authority” there shall be substituted the words “The Clerk of the Local Authority Community Personal Services Committee”.

Amendment of Article 18 of the principal Order

7. Article 18(3) of the principal Order (finance) shall be amended as follows—

- (a) for the words “Director of Social Services and the County Treasurer” there shall be substituted the words “Director of Personal Services and the Assistant Chief Executive (Finance)”;
- (b) for the words “County Social Services Committee” there shall be substituted the words “Local Authority Community Personal Services Committee”.

Amendment of Article 20 of the principal Order

8. Article 20 of the principal Order (admission and discharge of children in care) shall be amended as follows—

- (a) for the words “in care” there shall be substituted the words “who are being looked after by a local authority other than the Local Authority”;
- (b) the word “care”, where it appears for the second time, is omitted.

Signed by authority of the Secretary of State for Health.

9th September 1992

Cumberlege
Parliamentary Under Secretary of State,
Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order varies the Red Bank Instrument of Management Order 1973 and makes St. Helens Metropolitan Borough Council the responsible local authority for the Red Bank controlled community home in place of Lancashire County Council (Article 2).

The Order amends the nature of the facilities to be provided by the home (Article 3). It makes amendments consequential on the references and terminology used in the Children Act 1989 (Articles 2, 4 and 8). It also amends the provisions relating to the appointment of managers (Article 5), the secretary (Article 6) and finance (Article 7), in consequence of the change of the responsible local authority.

Copies of the Red Bank Instrument of Management Order 1973 and the two previous orders which amend that Order may be obtained free of charge from Branch CS2C, Department of Health, Wellington House, 133-155 Waterloo Road, London SE1 8UG.