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STATUTORY INSTRUMENTS

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**1996 No. 2467**

**CHILDREN AND YOUNG PERSONS**

**The Northbrook Instrument of  
Management (Variation) Order 1996**

*Made* - - - - *24th September 1996*  
*Laid before Parliament* *1st October 1996*  
*Coming into force* - - *1st November 1996*

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<sup>(1)</sup>, after consultation in accordance with that sub-paragraph with the Trustees of Northbrook School, the voluntary organisation concerned, and with Devon County Council, the local authority specified in the Northbrook Instrument of Management Order 1973<sup>(2)</sup>, 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 Northbrook Instrument of Management (Variation) Order 1996 and shall come into force on 1st November 1996.

**Variation of the Northbrook Instrument of Management Order 1973**

2.—(1) The Northbrook Instrument of Management Order 1973 shall be varied in accordance with the following paragraphs of this Article.

(2) In Article 2 (interpretation)—

(a) in paragraph (1)—

- (i) in the definition of “the Act” for the words “Children and Young Persons Act 1969” there shall be substituted the words “Children Act 1989”;
- (ii) in the definition of “the home” for the words “voluntary home” there shall be substituted the words “Controlled Community Home”; and
- (iii) in the definition of “local authority” for the words “Children and Young Persons Act 1969” there shall be substituted the word “Act”; and

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<sup>(1)</sup> 1989 c. 41.

<sup>(2)</sup> Instrument of Management Order No. 1973/6, as amended by the Northbrook Instrument of Management (Variation) Order 1975/200.

- (b) in paragraph (2) for the words “Interpretation Act 1889” there shall be substituted the words “Interpretation Act 1978”.
- (3) In Article 3 (purpose and nature of home)—
  - (a) for paragraph (1) there shall be substituted the following paragraph—

“**3.**—(1) The purpose of the home shall be the accommodation of not more than 30 children under the age of eighteen who are either looked after by a local authority under the Act, or detained pursuant to section 53 of the Children and Young Persons Act 1933**(3)**.”; and
  - (b) in paragraph (2) after the words “residential care of children” there shall be inserted the words “in open and, subject to the approval of the Secretary of State, in secure accommodation”.
- (4) In Article 5 (character of home) for the words “section 40(3) of” there shall be substituted the words “sub-paragraph (4) of paragraph 2 of Schedule 4 to”.
- (5) In article 18(1) (finance) for the words “section 41(5) of” there shall be substituted the words “sub-paragraph 13 of paragraph 3 of Schedule 4 to”.

Signed by authority of the Secretary of State for Health

Department of Health  
24th September 1996

*Simon Burns*  
Parliamentary Under Secretary of State,

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order varies the Northbrook Instrument of Management Order 1973 to reflect a change in the purpose for which the Northbrook community home is used. It provides that up to 30 children of all ages, who are either looked after by a local authority or detained after conviction of a serious offence, may be accommodated at the home in secure or open accommodation. The Order also updates the Instrument of Management Order to reflect the provisions of the Children Act 1989.

Copies of the Instrument of Management Order and Variation Order referred to in this Order may be obtained from Social Care Division 4, Department of Health, at Wellington House, 133-155 Waterloo Road, London SE1 8UG.