
STATUTORY INSTRUMENTS

2019 No. 1065

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Netherton Park Instrument of
Management (Variation) Order 2019**

<i>Made</i>	- - - -	<i>27th June 2019</i>
<i>Laid before Parliament</i>		<i>3rd July 2019</i>
<i>Coming into force</i>	- -	<i>1st August 2019</i>

The Secretary of State, in exercise of the power conferred by sub-paragraph (5) of paragraph 2 of Schedule 4 to the Children Act 1989(1), following consultation in accordance with that sub-paragraph with the Trustees of the Netherton Park Trust, the voluntary organisation by which the Kyloe House secure community home at Netherton Part is provided, and with Northumberland County Council, the local authority specified in the Netherton Park Instrument of Management Order 1973(2), makes the following Order.

Citation and commencement

1. This Order may be cited as the Netherton Park Instrument of Management (Variation) Order 2019 and comes into force on 1st August 2019.

Amendment of the Netherton Park Instrument of Management Order 1973

2.—(1) The Netherton Park Instrument of Management Order 1973 is amended as follows.

(2) In article 2(1) (interpretation)—

(a) for the definition of “the Act” substitute—

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

(b) for the definition of “the home” substitute—

““the home” means the Kyloe House secure community home at Netherton Park”;

(c) in the definition of “local authority”—

(1) 1989 c. 41. Paragraph 1 of Schedule 4 was amended by paragraph 28 of Schedule 16 and Schedule 20 to the Courts and Legal Services Act 1990 (c. 41). The powers of the Secretary of State, so far as exercisable in relation to Wales, have been transferred to the National Assembly for Wales by virtue of S.I. 1999/672.

(2) This Order was not required to be made by statutory instrument. Copies will be provided upon request from the Children in Care and Permanence Team, Department for Education, 8th Floor, Sanctuary Buildings, Great Smith Street, Westminster, London SW1P 3BT.

- (i) for “Children and Young Persons Act 1969” substitute “Act”(3);
- (ii) for “the council of the county of Northumberland” substitute “Northumberland County Council”;
- (d) for the definition of “the Organisation” substitute—
 - ““the Organisation” means the Trustees of the Netherton Park Trust”.
- (3) In article 2(2), for “Interpretation Act 1889” substitute “Interpretation Act 1978”(4).
- (4) In article 2(3), after “held” insert “or the terms of the lease of the home dated 7th July 2017 to which the Organisation and the Local Authority are party”.
- (5) In article 4 (body of managers)—
 - (a) in paragraph (1), for “twelve” substitute “six”;
 - (b) in paragraph (2), for “Four” substitute “Two”;
 - (c) in paragraph (3), for “Eight” substitute “Four”.
- (6) In article 5—
 - (a) for “voluntary” substitute “community”;
 - (b) for “Section 40(3) of” substitute “paragraph 2(4) of Schedule 4 to”.
- (7) In article 9 (qualifications and other provisions as to managers)—
 - (a) omit paragraph (2);
 - (b) in paragraph (3) omit “or ineligible under paragraph (2)”.
- (8) In article 12 (meeting of the managers)—
 - (a) in paragraph (2) for “three” substitute “two”;
 - (b) after paragraph (4) insert—
 - “(4A) A person elected under paragraph (3) or (4) must—
 - (a) in the case of an election of the chairman be elected from amongst the Local Authority managers;
 - (b) in the case of an election of the vice-chairman be one of the foundation managers.”.
- (9) Omit article 18 (finance) and the heading preceding it.
- (10) In article 19 (premises of the home)—
 - (a) renumber the existing text as paragraph (1);
 - (b) after paragraph (1) insert—
 - “(2) Nothing in paragraph (1) affects the Local Authority’s obligations to maintain the premises in a good condition.”.
- (11) In article 20(3) (staff) after “otherwise direct,” insert “deliver written reports to the Chairman and”.
- (12) In article 21(1) (the organisation) omit “Managing”.

(3) Section 105 defines “local authority”.

(4) 1978 c. 30.

27th June 2019

Nadhim Zahawi
Parliamentary Under Secretary of State
Department for Education

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 Netherton Park Instrument of Management Order 1973 to reflect changes in the way that Netherton Park is to be managed as a controlled community home. The Order also updates the Instrument of Management Order to reflect the provisions of the Interpretation Act 1978 and the Children Act 1989.

Copies of the Instrument of Management Order 1973 may be obtained from the Children in Care and Permanence Team, Department for Education, 8th Floor, Sanctuary Buildings, Great Smith Street, Westminster, London SW1P 3BT.

An impact assessment has not been prepared for this Order as no impact on businesses or civil society organisations is foreseen. There is no, or no significant, impact on charities or voluntary bodies.