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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 487**

**CHILDREN**

**The Children (Secure Accommodation)  
Regulations (Northern Ireland) 1996**

*Made - - - - 10th October 1996*

*Coming into operation 4th November 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 44(3) and (8), 45(1) and (2), 73(1) and (2)(d), 89(1), (2)(f) and (3), 105(1), (2)(f) and (3) of the Children (Northern Ireland) Order 1995(1) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Children (Secure Accommodation) Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

(2) In these Regulations—

“the Order” means the Children (Northern Ireland) Order 1995;

“authority home” means a home provided by an authority under Part VII of the Order;

“independent visitor” means a person appointed under Article 31(1);

“secure accommodation” means accommodation which is provided for the purpose of restricting the liberty of children to whom Article 44 applies.

(3) Any notice required under these Regulations is to be given in writing and may be sent by ordinary post.

(4) In these Regulations, any reference to a numbered Article is to the Article of the Order bearing that number.

**Placement of a child aged under 13 in secure accommodation**

2. Article 44 shall be modified in relation to a child under the age of 13 years of age so that a child under the age of 13 years shall not be placed in secure accommodation in an authority home without the prior approval of the Department.

### **Children to whom Article 44 shall not apply**

3.—(1) Article 44 shall not apply to a child who is detained under any provision of the Mental Health (Northern Ireland) Order 1986(2).

(2) Article 44 shall not apply to a child—

- (a) to whom Article 21(5) (accommodation of persons over 16 but under 21) applies and who is being accommodated under that Article; or
- (b) in respect of whom an order has been made under Article 62 (child assessment order) and who is kept away from home pursuant to that order.

### **Applications to court**

4. Applications to a court under Article 44 in respect of a child who is being looked after by an authority shall be made only by that authority.

### **Duty to give notice of placement in an authority home**

5. Where a child is placed in secure accommodation in an authority home which is managed by an authority other than the authority which is looking after him, the authority which manages that accommodation shall inform the authority which is looking after him that he has been placed there, within 12 hours of his being placed there.

### **Maximum period in secure accommodation without court authority**

6.—(1) Subject to paragraph (2), the maximum period beyond which a child to whom Article 44 applies may not be kept in secure accommodation without the authority of a court is an aggregate of 72 hours (whether or not consecutive) in any period of 28 consecutive days.

(2) Where authority of a court to keep a child in secure accommodation has been given, any period during which the child has been kept in such accommodation before the giving of that authority shall be disregarded for the purposes of calculating the maximum period in relation to any subsequent occasion on which the child is placed in such accommodation after the period authorised by the court has expired.

### **Maximum initial period of authorisation by a court**

7. Subject to regulation 8, the maximum period for which a court may authorise a child to whom Article 44 applies to be kept in secure accommodation is 3 months.

### **Further periods of authorisation by a court**

8. A court may authorise a child to whom Article 44 applies to be kept in secure accommodation for a further period not exceeding 6 months at any one time.

### **Duty to notify parents and others in relation to children in secure accommodation in an authority home**

9. Where a child to whom Article 44 applies is kept in secure accommodation in an authority home and it is intended that an application will be made to a court to keep the child in that accommodation, the authority which is looking after the child shall, if practicable, give notice of that intention, as soon as possible, to—

- (a) his parents;

- (b) any person who is not a parent of his but who has parental responsibility for him;
- (c) the child's independent visitor, if one has been appointed; and
- (d) any other person who that authority considers should be informed.

#### **Appointment of persons to review placement in secure accommodation in an authority home**

**10.**—(1) Subject to paragraph (2), each authority looking after a child in secure accommodation in an authority home shall appoint at least 3 persons who shall review the keeping of the child in such accommodation for the purposes of securing his welfare within one month of the inception of the placement and then at intervals not exceeding 3 months where the child continues to be kept in such accommodation.

(2) At least one of the persons appointed in accordance with paragraph (1) should not be a member, director or officer of the authority by or on behalf of which the child is being looked after.

#### **Review of placement in secure accommodation in an authority home**

**11.**—(1) The persons appointed under regulation 10 to review the keeping of a child in secure accommodation shall have regard to whether or not—

- (a) the criteria for keeping the child in secure accommodation continue to apply;
- (b) the placement in such accommodation in an authority home continues to be necessary; and
- (c) any other description of accommodation would be appropriate for him,

and in doing so shall have regard to the welfare of the child whose case is being reviewed.

(2) Before conducting the review referred to in regulation 10, the persons appointed shall, unless it is not reasonably practicable to do so, seek the views of—

- (a) the child;
- (b) any parent of his;
- (c) any person not being a parent of his but who has parental responsibility for him;
- (d) any other person who has had the care of the child, whose views the persons appointed consider should be taken into account;
- (e) the child's independent visitor, if one has been appointed; and
- (f) the authority managing the secure accommodation in which the child is placed, if that authority is not the authority which is looking after the child.

(3) The authority shall, so far as is reasonably practicable, notify all those whose views have been sought under paragraph (2), of the details of the result of the review and what action, if any, the authority proposes to take in relation to the child in the light of the review, and its reasons for taking or not taking such action.

#### **Records to be kept in respect of a child in secure accommodation in an authority home**

**12.** Whenever a child is placed in secure accommodation in an authority home, the authority which manages that accommodation shall ensure that a record is kept of—

- (a) the name, date of birth and sex of that child;
- (b) the care order or other statutory provision by virtue of which the child is in the home and in either case particulars of any other authority involved with the placement of the child in that home;

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

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- (c) the date and time of his placement in secure accommodation, the reason for his placement, the name of the officer authorising the placement and where the child was living before the placement;
- (d) all those notified by virtue of regulation 9 or 11(3) in their application to the child;
- (e) court orders made in respect of the child by virtue of Article 44;
- (f) reviews undertaken in respect of the child by virtue of regulation 10;
- (g) the date and time of any occasion on which the child is locked on his own in any room in the secure accommodation other than his bedroom during usual bedtime hours, the name of the person authorising this action, the reason for it and the date on which and time at which the child ceases to be locked in that room; and
- (h) the date and time of his discharge and his address following discharge from secure accommodation,

and the Department may require copies of these records to be sent to it at any time.

**Voluntary homes and registered children’s homes not be used for restricting liberty**

**13.—**(1) The use of accommodation for the purpose of restricting the liberty of children in voluntary homes and registered children’s homes is prohibited.

(2) The contravention of, or failure to comply with, the provisions of paragraph (1), without reasonable excuse, shall be an offence against these Regulations(3).

Sealed with the Official Seal of the Department of Health and Social Services on 10th October 1996.

L.S.

*P. A. Conliffe*  
Assistant Secretary

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(3) A person who is guilty of an offence against these Regulations is liable to a fine not exceeding level 4 on the standard scale; see Articles 89(4) and 105(4) of the Children (Northern Ireland) Order 1995

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations supplement the provisions in Article 44 of the Children (Northern Ireland) Order 1995 (“the Order”) which govern the restriction of liberty of children who are being looked after by authorities.

The Regulations provide for approval by the Department of Health and Social Services to the placement of a child aged under 13 in secure accommodation (regulation 2); the children to whom Article 44 of the Order shall not apply (regulation 3); the making of applications to court (regulation 4); the duty to give notification of placements in authority homes (regulation 5); provision as to the maximum period in accommodation for restricting liberty without court authority (regulation 6); the maximum initial period of authorisation by any court (regulation 7); further periods of authorisation by a court (regulation 8); the duty to notify parents and others in relation to children in secure accommodation (regulation 9); the appointment of persons to review placements in secure accommodation (regulation 10); the review of placements in secure accommodation (regulation 11); the records to be kept in respect of a child in secure accommodation (regulation 12); and the prohibition of the use of accommodation for restricting liberty in voluntary homes and registered children’s homes and breach thereof (regulation 13).

Articles 44(3) and (8), 45(1) and (2), 73(1) and (2)(d), 89(1), (2)(f) and (3), and 105(1), (2)(f) and (3) of the Order are the enabling provisions under which these Regulations are made. They were brought into operation on 18th July 1996, by virtue of Article 2(1) of, and Schedule 1 to, the Children (1995 Order) (Commencement No. 3) Order (Northern Ireland) 1996 ([S.R. 1996 No. 297 \(C. 17\)](#)).