



# Children Act 1989

## 1989 CHAPTER 41

### PART III

#### [<sup>F1</sup>SUPPORT FOR CHILDREN AND FAMILIES PROVIDED BY LOCAL AUTHORITIES IN ENGLAND]

##### *Secure accommodation*

#### **25 Use of accommodation for restricting liberty.**

- (1) Subject to the following provisions of this section, a child who is being looked after by a local authority [<sup>F1</sup>or local authority in Wales] may not be placed, and, if placed, may not be kept, in accommodation [<sup>F2</sup>in England] provided for the purpose of restricting liberty (“secure accommodation”) unless it appears—
  - (a) that—
    - (i) he has a history of absconding and is likely to abscond from any other description of accommodation; and
    - (ii) if he absconds, he is likely to suffer significant harm; or
  - (b) that if he is kept in any other description of accommodation he is likely to injure himself or other persons.
- (2) The [<sup>F3</sup>Secretary of State] may by regulations—
  - (a) specify a maximum period—
    - (i) beyond which a child may not be kept in secure accommodation [<sup>F4</sup>in England] without the authority of the court; and
    - (ii) for which the court may authorise a child to be kept in secure accommodation [<sup>F5</sup>in England];
  - (b) empower the court from time to time to authorise a child to be kept in secure accommodation [<sup>F6</sup>in England] for such further period as the regulations may specify; and
  - (c) provide that applications to the court under this section shall be made only by local authorities [<sup>F7</sup>or local authorities in Wales].

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- (3) It shall be the duty of a court hearing an application under this section to determine whether any relevant criteria for keeping a child in secure accommodation are satisfied in his case.
- (4) If a court determines that any such criteria are satisfied, it shall make an order authorising the child to be kept in secure accommodation and specifying the maximum period for which he may be so kept.
- (5) On any adjournment of the hearing of an application under this section, a court may make an interim order permitting the child to be kept during the period of the adjournment in secure accommodation.
- (6) No court shall exercise the powers conferred by this section in respect of a child who is not legally represented in that court unless, having been informed of his right to apply for [<sup>F8</sup>the provision of representation under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012] and having had the opportunity to do so, he refused or failed to apply.
- (7) The [<sup>F9</sup>Secretary of State] may by regulations provide that—
  - (a) this section shall or shall not apply to any description of children specified in the regulations;
  - (b) this section shall have effect in relation to children of a description specified in the regulations subject to such modifications as may be so specified;
  - (c) such other provisions as may be so specified shall have effect for the purpose of determining whether a child of a description specified in the regulations may be placed or kept in secure accommodation [<sup>F10</sup>in England].
- (8) The giving of an authorisation under this section shall not prejudice any power of any court in England and Wales or Scotland to give directions relating to the child to whom the authorisation relates.
- (9) This section is subject to section 20(8).

#### Annotations:

##### Extent Information

- E1** S. 25 extends to England and Wales with the exception of s. 25(8) which extends to Great Britain. See s. 108(11)(12).

##### Amendments (Textual)

- F1** Words in s. 25(1) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **86(a)(i)**
- F2** Words in s. 25(1) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **86(a)(ii)**
- F3** Words in s. 25(2) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **86(b)**
- F4** Words in s. 25(2)(a)(i) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **86(c)**
- F5** Words in s. 25(2)(a)(ii) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **86(c)**
- F6** Words in s. 25(2)(b) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **86(c)**

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- F7** Words in s. 25(2)(c) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **86(d)**
- F8** Words in s. 25(6) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 38**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F9** Words in s. 25(7) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **86(e)**
- F10** Words in s. 25(7)(c) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **86(f)**

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**Modifications etc. (not altering text)**

- C1** S. 25 excluded (14.10.1991) by S.I. 1991/1505, **reg. 5(1)**.  
S. 25 excluded (14.10.1991) by S.I. 1991/1505, **reg. 5(2)**.  
S. 25 modified (14.10.1991) by S.I. 1991/1505, **reg. 6(1)**.  
S. 25 modified (14.10.1991) by S.I. 1991/1505, **reg. 7(1)**.
- C2** S. 25 amendment to earlier affecting provision SI 1991/1505 reg. 6 (3.12.2012) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential and Saving Provisions) Regulations 2012 (S.I. 2012/2824), regs. 1, **2(2)** (with reg. 2(4)(5))
- C3** S. 25 excluded by SI 1991/1505, reg. 5A (as inserted (3.12.2012) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Children Act 1989) (Children Remanded to Youth Detention Accommodation) Regulations 2012 (S.I. 2012/2813), regs. 1(1), **6**)

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**Commencement Information**

- I1** S. 25 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 25 extended to Scotland by 2017 c. 16 Sch. 1 para. 2(1)
- s. 25(1) words inserted by 2017 c. 16 Sch. 1 para. 2(2)(b)
- s. 25(1) words substituted by 2017 c. 16 Sch. 1 para. 2(2)(a)
- s. 25(2)(a)(i)(ii) words inserted by 2017 c. 16 Sch. 1 para. 2(3)(a)
- s. 25(2)(b) words inserted by 2017 c. 16 Sch. 1 para. 2(3)(a)
- s. 25(2)(c) words substituted by 2017 c. 16 Sch. 1 para. 2(3)(b)
- s. 25(7)(c) words inserted by 2017 c. 16 Sch. 1 para. 2(5)(a)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 23D(3)(4) inserted by 2017 c. 16 s. 3(4)
- s. 23E(1)(aa) inserted by 2017 c. 16 s. 3(6)
- s. 23E(1ZA) inserted by 2017 c. 16 s. 3(7)
- s. 23CZB inserted by 2017 c. 16 s. 3(2)
- s. 23ZZA and cross-heading inserted by 2017 c. 16 s. 4
- s. 25(5A) inserted by 2017 c. 16 Sch. 1 para. 2(4)
- s. 25(7)(d) inserted by 2017 c. 16 Sch. 1 para. 2(5)(b)
- s. 25(8A) inserted by 2017 c. 16 Sch. 1 para. 2(6)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)