



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART I

YOUNG OFFENDERS

Secure accommodation for certain young persons

19 Extension of kinds of secure accommodation

- (1) Section 23 of the Children and Young Persons Act 1969 (remands and committals to local authority accommodation) shall be amended by the insertion, in subsection (12), in the definition of “secure accommodation”, after the words “community home”, of the words “, a voluntary home or a registered children’s home”, and, at the end of that subsection, of the words “but, for the purposes of the definition of “secure accommodation”, “local authority accommodation” includes any accommodation falling within section 61(2) of the Criminal Justice Act 1991.”.
- (2) In the Children Act 1989, Schedules 5 and 6 (which provide for the regulation of voluntary homes and registered childrens' homes respectively) shall be amended as follows, that is to say—
 - (a) in Schedule 5, in paragraph 7(2) (regulations as to conduct of voluntary homes)—
 - (i) head (f) (power to prohibit provision of secure accommodation) shall be omitted; and
 - (ii) after that head, there shall be inserted the following—

“(ff) require the approval of the Secretary of State for the provision and use of accommodation for the purpose of restricting the liberty of children in such homes and impose other requirements (in addition to those imposed by section 25) as to the placing of a child in accommodation provided for that purpose, including

Status: This is the original version (as it was originally enacted).

- a requirement to obtain the permission of any local authority who are looking after the child;” and
- (b) in Schedule 6, in paragraph 10(2) (regulations as to conduct, etc. of registered childrens' homes)—
- (i) head (j) (power to prohibit use of accommodation as secure accommodation) shall be omitted; and
- (ii) after that head, there shall be inserted the following—
- “(jj) require the approval of the Secretary of State for the provision and use of accommodation for the purpose of restricting the liberty of children in such homes and impose other requirements (in addition to those imposed by section 25) as to the placing of a child in accommodation provided for that purpose, including a requirement to obtain the permission of any local authority who are looking after the child.”.
- (3) In section 61 of the Criminal Justice Act 1991 (provision by local authorities of secure accommodation)—
- (a) in subsection (2), at the end, there shall be inserted the words “or by making arrangements with voluntary organisations or persons carrying on a registered childrens' home for the provision or use by them of such accommodation or by making arrangements with the Secretary of State for the use by them of a home provided by him under section 82(5) of the Children Act 1989”; and
- (b) in subsection (5), at the end, there shall be inserted the words “and expressions, other than “local authority”, used in the Children Act 1989 have the same meanings as in that Act.”.

20 Secure remands for young offenders

In section 23(5) of the Children and Young Persons Act 1969 (as substituted by section 60 of the Criminal Justice Act 1991) (conditions for imposing a security requirement in case of young persons remanded to local authority accommodation), for the words “young person who has attained the age of fifteen” there shall be substituted the words—

- (a) “person who has attained the age of fourteen”;
- (b) “person who has attained the age of thirteen”; or
- (c) “person who has attained the age of twelve”;

but no substitution may be brought into force on more than one occasion.

21 Cost of secure accommodation

After section 61 of the Criminal Justice Act 1991 there shall be inserted the following section—

“61A Cost of secure accommoda- tion

- (1) The Secretary of State may, in relation to any costs incurred by a local authority in discharging their duty under section 61(1) above—
- (a) defray such costs to such extent as he considers appropriate in any particular case;

- (b) defray a proportion to be determined by him from time to time of such costs; and
 - (c) defray or contribute to such costs in accordance with a tariff to be determined by him from time to time.
- (2) The Secretary of State may require any person providing secure accommodation to transmit to him, at such times and in such form as he may direct, such particulars as he may require with respect to any costs to which this section applies.
- (3) Payments under this section shall be made out of money provided by Parliament.”.

22 Management of secure accommodation

- (1) The Children Act 1989 shall be amended as follows.
- (2) In section 53 (provision and management of community homes)—
- (a) in subsection (3) (homes which may be community homes)—
 - (i) in paragraph (a), for the words “managed, equipped and maintained” there shall be substituted the words “equipped, maintained and (subject to subsection (3A)) managed”; and
 - (ii) in paragraph (b)(i), for the words “management, equipment and maintenance” there shall be substituted the words “equipment, maintenance and (subject to subsection (3B)) management”; and
 - (b) after subsection (3) there shall be inserted the following subsections—
 - “(3A) A local authority may make arrangements for the management by another person of accommodation provided by the local authority for the purpose of restricting the liberty of children.
 - (3B) Where a local authority are to be responsible for the management of a community home provided by a voluntary organisation, the local authority may, with the consent of the body of managers constituted by the instrument of management for the home, make arrangements for the management by another person of accommodation provided for the purpose of restricting the liberty of children.”.
- (3) In Part II of Schedule 4 (management of controlled and assisted community homes)—
- (a) in paragraph 3(4), after the word “managers” there shall be inserted the words “, except in so far as, under section 53(3B), any of the accommodation is to be managed by another person.”; and
 - (b) in paragraph 3(5), after the word “body” there shall be inserted the words “; and similarly, to the extent that a contract so provides, as respects anything done, liability incurred or property acquired by a person by whom, under section 53(3B), any of the accommodation is to be managed”.