



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 2

[^{F1}LOCAL AUTHORITY] FUNCTIONS

Persons detained in youth accommodation

49 Persons detained in youth accommodation: application of provisions

- (1) Section 562 of the Education Act 1996 (c. 56) (Act not to apply to persons detained under order of a court) is amended as follows.
- (2) In subsection (1)—
 - (a) for “detained in pursuance of an order made by a court or of an order of recall made by the Secretary of State” substitute “ subject to a detention order and is detained in accommodation that is not relevant youth accommodation ”, and
 - (b) for “a person who is detained in pursuance of such an order” substitute “ such a person ”.
- (3) After that subsection insert—

“(1A) For the purposes of this Act—

 - (a) a person is subject to a detention order if detained in pursuance of—
 - (i) an order made by a court, or
 - (ii) an order of recall made by the Secretary of State, and
 - (b) relevant youth accommodation is accommodation which—
 - (i) is youth detention accommodation (within the meaning given by section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000), and

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Section 49 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(ii) is not in a young offender institution, or part of such an institution, that is used wholly or mainly for the detention of persons aged 18 and over.”

(4) In subsection (2), for “subsection (1)” substitute “ this section ”.

(5) After that subsection add—

“(3) A child or young person who is being kept in accommodation provided for the purpose of restricting liberty is not to be regarded for the purposes of this section as detained in pursuance of an order made by a court by reason of the fact that a court has authorised the person to be kept in such accommodation under section 25(4) of the Children Act 1989 (use of accommodation for restricting liberty).”

(6) In the title, after “apply to” insert “ certain ”.

Commencement Information

I1 S. 49 in force at 1.9.2010 for specified purposes for E. by [S.I. 2010/303](#), art. 6, [Sch. 5](#) (with arts. 9-11)

I2 S. 49 in force at 1.4.2011 for specified purposes for W. by [S.I. 2011/829](#), [art. 2\(a\)](#)

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Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6