
STATUTORY INSTRUMENTS

1992 No. 2117

CHILDREN AND YOUNG PERSONS

**The Children (Secure Accommodation)
Amendment Regulations 1992**

Made - - - - *3rd September 1992*
Laid before Parliament *9th September 1992*
Coming into force - - *1st October 1992*

The Secretary of State for Health, in exercise of the powers conferred by section 25(7)(b) and section 104(4)(c) of and paragraph 4(1) and (2)(i) of Schedule 4 to the Children Act 1989(1) and of all other powers enabling her in that behalf hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Children (Secure Accommodation) Amendment Regulations 1992 and shall come into force on 1st October 1992.

Amendment to the Children (Secure Accommodation) Regulations 1991

2. The Children (Secure Accommodation) Regulations 1991(2) shall be amended as follows—
- (a) in regulation 4 (placement of children under 13 in secure accommodation) at the end there shall be inserted the words “and such approval shall be subject to such terms and conditions as he sees fit”;
 - (b) for sub-paragraph (b) of regulation 6(1) (children remanded to local authority accommodation) there shall be substituted—
 - “(b) children remanded to local authority accommodation under section 23 of the Children and Young Persons Act 1969(3) (remand to local authority accommodation) but only if—
 - (i) the child is charged with or has been convicted of a violent or sexual offence, or of an offence punishable in the case of an adult with imprisonment for a term of 14 years or more, or

(1) 1989 c. 41.

(2) S.I. 1991/1505.

(3) 1969 c. 54. Section 23 was substituted by Section 60 of the Criminal Justice Act 1991 (c. 53.) with effect from 1st October 1992 as modified by Section 62 of the Act until such day as the Secretary of State may by order appoint. No such day has yet been appointed.

Status: This is the original version (as it was originally made).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

- (ii) the child has a recent history of absconding while remanded to local authority accommodation, and is charged with or has been convicted of an imprisonable offence alleged or found to have been committed while he was so remanded.”;
- (c) in regulation 15 (appointment of person to review placement) for the words “at least one of whom must not be employed by the local authority” there shall be substituted the words “at least one of whom is neither a member nor an officer of the local authority”;
- (d) in regulation 16(3) (review of placement) for the words “and the reasons for such outcome” there shall be substituted the words “what action, if any, the local authority propose to take in relation to the child in the light of the review, and their reasons for taking or not taking such action.”.

Signed by the authority of the Secretary of State for Health

3rd September 1992

Tim Yeo
Parliamentary Under Secretary of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Children (Secure Accommodation) Regulations 1991 (“the 1991 Regulations”).

Regulation 4 of the 1991 Regulations is amended to provide that the Secretary of State’s approval of the placement in secure accommodation of children under 13 in a community home is to be subject to terms and conditions.

Regulation 6(1) of the 1991 Regulations (modification of criteria for restriction of liberty of children pursuant to section 25 of the Children Act 1989 in respect of remanded children) is amended to take account of the new criteria for remands under section 23 of the Children and Young Persons Act 1969 (remands and committals to local authority accommodation) substituted by section 60 of the Criminal Justice Act 1991.

Regulation 15 of the 1991 Regulations (appointment of three persons to review the placement, one of whom is to be independent of the local authority) is amended to provide that the independent person appointed to review a placement in secure accommodation is neither a member nor an officer of the local authority.

Regulation 16(3) of the 1991 Regulations (review of placement) is amended to require the local authority to tell those people whose views are taken into account on the review what action if any they propose to take as a result of the review together with the authority’s reasons.