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STATUTORY INSTRUMENTS

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**1995 No. 1398**

**CHILDREN AND YOUNG PERSONS**

**The Children (Secure Accommodation)  
Amendment Regulations 1995**

<i>Made</i>	- - - -	<i>1st June 1995</i>
<i>Laid before Parliament</i>		<i>2nd June 1995</i>
<i>Coming into force</i>	- -	<i>23rd June 1995</i>

The Secretary of State for Health, in exercise of the powers conferred by sections 25(2), 26(2) and 104(4) of and paragraphs 7(1), 7(2)(ff), 7(2)(g) and (3) of Schedule 5 and 10(1), 10(2)(f), 10(2)(jj), 10(2)(1) and (3) of Schedule 6 to the Children Act 1989(1) and of all other powers enabling her in that behalf hereby makes the following regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Children (Secure Accommodation) Amendment Regulations 1995 and shall come into force on 23rd June 1995.

(2) In these Regulations “the principal Regulations” means the Children (Secure Accommodation) Regulations 1991(2).

**Amendment of regulation 2 of the principal Regulations**

2. In regulation 2(1) of the principal Regulations (interpretation) there shall be inserted after the definition of “the Act” the following definition—

““children’s home” means a registered children’s home, a community home or a voluntary home;”.

**Amendment of regulations 3, 4, 9, 14, 15, 16 and 17 of the principal Regulations**

3. In regulations 3, 4, 9, 14, 15, 16(1)(b) and 17 of the principal Regulations for the words “community home” on each occasion they appear there shall be substituted the words “children’s home”.

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(1) 1989 c. 41. Paragraphs 7(2)(ff) of Schedule 5 and 10(2)(jj) of Schedule 6 were inserted in the Children Act by section 19 of the Criminal Justice and Public Order Act 1994 c. 33.  
(2) S.I.1991/1505 as amended by S.I. 1992/2117.

#### **Amendment of regulation 9 of the principal Regulations**

4. In regulation 9 of the principal Regulations (duty to give information of placement in children’s homes) for the words “in a community home which is managed by an authority other than that which are looking after him the local authority which manage” there shall be substituted the words “in a children’s home which is managed by a person, organization or authority other than the local authority which is looking after him, the person who, or the organization or the authority which manages”.

#### **Amendment of regulation 16 of the principal Regulations**

5. In regulation 16(2) of the principal Regulations (review of placement in secure accommodation in a children’s home) for sub-paragraph (f) there shall be substituted the following sub-paragraph—

“(f) the person, organization or local authority managing the secure accommodation in which the child is placed if that accommodation is not managed by the authority which is looking after that child.”.

#### **Revocation**

6. Regulation 18 of the principal Regulations (prohibition on provision of secure accommodation by voluntary homes and registered children’s homes) is revoked.

Signed by authority of the Secretary of State for Health.

1st June 1995

*John Bowis*  
Parliamentary Under-Secretary of State  
Department of Health

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

These Regulations amend the Children (Secure Accommodation) Regulations 1991 (“the principal Regulations”) in connection with the extension of provision of secure accommodation enacted in section 19 of the Criminal Justice and Public Order Act 1994 which amended Schedules 5 and 6 of the Children Act 1989 and removed the power to prohibit the use of certain accommodation as secure accommodation. The principal Regulations are amended to apply the provisions of those Regulations which govern secure accommodation in community homes to secure accommodation in voluntary homes and registered children’s homes (regulations 2 to 5). These Regulations also revoke regulation 18 of the principal Regulations which prohibited the use of accommodation for the purpose of restricting the liberty of children in voluntary homes and registered children’s homes (regulation 6).