
STATUTORY INSTRUMENTS

1996 No. 586

CONTRACTING OUT

The Contracting Out (Management Functions in relation to certain Community Homes) Order 1996

Made - - - - *5th March 1996*
Coming into force - - *6th March 1996*

Whereas, this being an Order relating to local authorities in England and Wales only, the Secretary of State has, pursuant to section 70(3) of the Deregulation and Contracting Out Act 1994⁽¹⁾, consulted representatives of local government,

Whereas a draft of this Order has been laid before Parliament and approved by a resolution of each House of Parliament under section 77(2) of that Act,

Now therefore the Secretary of State, in exercise of the powers conferred on him by sections 70 and 77(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Contracting Out (Management Functions in relation to certain Community Homes) Order 1996.

(2) This Order shall come into force on the day after the day on which it is made.

(3) In this Order—

“the Act” means the Children Act 1989⁽²⁾, and

“local authority” has the meaning given in section 105(1) of the Act (interpretation) in relation to England and Wales.

Contracting out of management functions in relation to certain community homes

2.—(1) Subject to paragraph (2) of this article, the function conferred on a local authority by section 53(3)(a) of the Act⁽³⁾ of managing a community home may be exercised by, or by the employees of, such person (if any) as may be authorised in that behalf by a local authority.

(1) 1994 c. 40.

(2) 1989 c. 41.

(3) Section 53 of the Children Act 1989 (c. 41) is prospectively amended by section 22 of the Criminal Justice and Public Order Act 1994 (c. 33).

Status: This is the original version (as it was originally made).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

(2) Paragraph (1) of this article does not apply to the function of managing a community home, or any part of a community home, which is provided for the purpose of restricting the liberty of children under the age of eighteen.

Meaning of “community home” for the purposes of section 53(3)(a) of the Act

3. Where the function of managing a community home is exercised in accordance with article 2(1) above otherwise than by a local authority, that home remains a community home within section 53(3)(a) of the Act.

5th March 1996

Stephen Dorrell
One of Her Majesty’s Principal Secretaries of
State
Department of Health

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision to enable a local authority in England and Wales to authorise another person, or that person's employees, to exercise the function of managing community homes for children which are provided by that local authority, other than homes or parts of homes providing secure accommodation.