
WELSH STATUTORY INSTRUMENTS

2002 No. 327

The Children's Homes (Wales) Regulations 2002

PART 1
GENERAL

Establishments which are not children's homes

3.—(1) For the purposes of the Act, any establishment falling within any of the following descriptions is excepted from being a children's home—

- (a) an institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992(1);
- (b) subject to paragraph (2), an establishment used to accommodate children only for the purposes of any one or more of the following—
 - (i) a holiday;
 - (ii) a leisure, recreational, sporting, cultural or educational activity;so long as no one child is accommodated there for more than 28 days in any twelve month period;
- (c) subject to paragraph (2), premises at which a person provides day care within the meaning of section 79A(6) of the 1989 Act, unless paragraph (3) applies;
- (d) subject to paragraph (2), an establishment used to accommodate children aged 16 and over only for the purposes of any one or more of the following—
 - (i) to enable the children to undergo training or an apprenticeship;
 - (ii) a holiday;
 - (iii) a leisure, recreational, sporting, cultural or educational activity;
- (e) any approved bail hostel or approved probation hostel(2);
- (f) any institution provided for young offenders under or by virtue of section 43(1) of the Prison Act 1952(3).

(2) The exceptions in paragraph (1)(b), (c) and (d) do not apply to any establishment whose provision of accommodation is wholly or mainly for children of a description falling within section 3(2) of the Act(4).

(1) 1992 c. 13.

(2) See section 9(2) of the Criminal Justice and Court Services Act 2000 (c. 43).

(3) 1952 c. 52. Amended by section 170(1) of and paragraphs 11 and 12 of Schedule 15, and Schedule 16, to the Criminal Justice Act 1988 (c. 33); sections 5(2), 18(3) and 168(3) of and Schedule 11 to, the Criminal Justice and Public Order Act 1994 (c. 33); section 119 of, and paragraph 6 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37); and section 165(1) of, and paragraph 5 of Schedule 9 to, the Powers of the Criminal Courts (Sentencing) Act 2000 (c. 6). Subsection 1(a) of the 1952 Act is to be repealed by sections 59 and 75 of, and Schedule 8 to, the Criminal Justice and Court Services Act 2000 (c. 43) on a date to be appointed.

(4) Section 3(2) of the Act refers to persons who are or have been ill; who have or have had a mental disorder; who are disabled or infirm; and who are or have been dependent on alcohol or drugs.

(3) This paragraph applies to premises described in paragraph 1(c) if in any 12 month period there are 28 or more periods of 24 hours during which more than 15 hours of day care are provided in relation to any one child (whether or not that child is aged under eight), and for the purposes of this paragraph no day care shall be taken to be provided when a child is in the care of his or her parent, relative or foster parent.