



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 6

LOOKED AFTER AND ACCOMMODATED CHILDREN

Secure accommodation

119 Use of accommodation for restricting liberty

- (1) Subject to the following provisions of this section, a child who is being looked after by a local authority or a local authority in England may not be placed, and if placed, may not be kept, in accommodation in Wales provided for the purpose of restricting liberty (“secure accommodation”) unless it appears—
 - (a) that the child—
 - (i) has a history of absconding and is likely to abscond from any other description of accommodation, and
 - (ii) is likely to suffer significant harm if the child absconds, or
 - (b) that if the child is kept in any other description of accommodation, he or she is likely to injure himself or herself or other persons.
- (2) The Welsh Ministers may by regulations—
 - (a) specify a maximum period—
 - (i) beyond which a child may not be kept in secure accommodation in Wales without the authority of the court, and
 - (ii) for which the court may authorise a child to be kept in secure accommodation in Wales;
 - (b) empower the court from time to time to authorise a child to be kept in secure accommodation in Wales for such further period as the regulations may specify;

Status: This is the original version (as it was originally enacted).

- (c) provide that applications to the court under this section be made only by a local authority.
- (3) It is the duty of a court hearing an application under this section to determine whether any relevant criteria for keeping a child in secure accommodation are satisfied in the child's case.
- (4) If a court determines that any such criteria are satisfied, it must make an order authorising the child to be kept in secure accommodation and specifying the maximum period for which the child may be so kept.
- (5) On any adjournment of the hearing of an application under this section, a court may make an interim order permitting the child to be kept during the period of the adjournment in secure accommodation.
- (6) No court is to exercise the powers conferred by this section in respect of a child who is not legally represented in that court unless, having been informed of his or her right to apply for representation funded by the Legal Services Commission as part of the Community Legal Service or Criminal Defence Service and having had the opportunity to do so, the child refused or failed to apply.
- (7) The Welsh Ministers may by regulations provide that—
 - (a) this section is or is not to apply to any description of children specified in the regulations;
 - (b) this section has effect in relation to children of a description specified in the regulations subject to modifications specified in the regulations;
 - (c) other provisions specified in the regulations are to have effect for the purpose of determining whether a child of a description specified in the regulations may be placed or kept in secure accommodation in Wales.
- (8) The giving of an authorisation under this section does not prejudice any power of any court in England and Wales to give directions relating to the child to whom the authorisation relates.
- (9) The giving of an authorisation under this section does not prejudice the effect of any direction given by a court in Scotland relating to a child to whom the authorisation relates, in so far as the direction has effect in the law of England and Wales.
- (10) This section is subject to section 76(5).