



Children Act 1989

1989 CHAPTER 41

PART III

LOCAL AUTHORITY SUPPORT FOR CHILDREN AND FAMILIES

Provision of accommodation for children

20 Provision of accommodation for children: general.

- (1) Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of—
 - (a) there being no person who has parental responsibility for him;
 - (b) his being lost or having been abandoned; or
 - (c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.
- (2) Where a local authority provide accommodation under subsection (1) for a child who is ordinarily resident in the area of another local authority, that other local authority may take over the provision of accommodation for the child within—
 - (a) three months of being notified in writing that the child is being provided with accommodation; or
 - (b) such other longer period as may be prescribed.
- (3) Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.
- (4) A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child's welfare.

Status: Point in time view as at 14/10/1991.

Changes to legislation: Children Act 1989, Cross Heading: Provision of accommodation for children is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) A local authority may provide accommodation for any person who has reached the age of sixteen but is under twenty-one in any community home which takes children who have reached the age of sixteen if they consider that to do so would safeguard or promote his welfare.
- (6) Before providing accommodation under this section, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare—
- (a) ascertain the child's wishes regarding the provision of accommodation; and
 - (b) give due consideration (having regard to his age and understanding) to such wishes of the child as they have been able to ascertain.
- (7) A local authority may not provide accommodation under this section for any child if any person who—
- (a) has parental responsibility for him; and
 - (b) is willing and able to—
 - (i) provide accommodation for him; or
 - (ii) arrange for accommodation to be provided for him, objects.
- (8) Any person who has parental responsibility for a child may at any time remove the child from accommodation provided by or on behalf of the local authority under this section.
- (9) Subsections (7) and (8) do not apply while any person—
- (a) in whose favour a residence order is in force with respect to the child; or
 - (b) who has care of the child by virtue of an order made in the exercise of the High Court's inherent jurisdiction with respect to children,
- agrees to the child being looked after in accommodation provided by or on behalf of the local authority.
- (10) Where there is more than one such person as is mentioned in subsection (9), all of them must agree.
- (11) Subsections (7) and (8) do not apply where a child who has reached the age of sixteen agrees to being provided with accommodation under this section.

Commencement Information

II S. 20 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

21 Provision of accommodation for children in police protection or detention or on remand, etc.

- (1) Every local authority shall make provision for the reception and accommodation of children who are removed or kept away from home under Part V.
- (2) Every local authority shall receive, and provide accommodation for, children—
- (a) in police protection whom they are requested to receive under section 46(3)(f);
 - (b) whom they are requested to receive under section 38(6) of the ^{M1}Police and Criminal Evidence Act 1984;
 - (c) who are—

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- (i) on remand under section [^{F1}16(3A) or]23(1) of the ^{M2}Children and Young Persons Act 1969; or
- (ii) the subject of a supervision order imposing a residence requirement under section 12AA of that Act,
and with respect to whom they are the designated authority.
- (3) Where a child has been—
- (a) removed under Part V; or
- (b) detained under section 38 of the Police and Criminal Evidence Act 1984,
and he is not being provided with accommodation by a local authority or in a hospital vested in the Secretary of State [^{F2}or otherwise made available pursuant to arrangements made by a District Health Authority], any reasonable expenses of accommodating him shall be recoverable from the local authority in whose area he is ordinarily resident.

Textual Amendments

- F1** Words in s. 21(2)(c)(i) inserted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 11**; S.I. 1991/1883, art. 3, **Sch.**
- F2** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 36(1)**

Commencement Information

- I2** S. 21 in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

Marginal Citations

- M1** 1984 c. 60.
- M2** 1969 c. 54.

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