



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 9

#### SECURE CHILDREN'S HOMES AND SECURE 16 TO 19 ACADEMIES

#### 164 Secure 16 to 19 Academies

- (1) In section 1B of the Academies Act 2010 (16 to 19 Academies), at the end insert—
- “(4) A 16 to 19 Academy may provide secure accommodation for its students, but only if it is approved to do so by the Secretary of State.
  - (5) “Secure accommodation” means accommodation that is provided for the purpose of restricting liberty.
  - (6) The Secretary of State may grant approval under subsection (4) subject to conditions.
  - (7) A 16 to 19 Academy which provides secure accommodation for its students is to be known as a secure 16 to 19 Academy.”
- (2) In section 12 of that Act (charitable and trust corporation status of Academy proprietors etc), at the end insert—
- “(5) The setting up, establishment and running of a secure 16 to 19 Academy is to be treated as a charitable purpose that falls within the description in section 3(1)(b) of the Charities Act 2011 (advancement of education) for the purposes of—
    - (a) this section,
    - (b) the Charities Act 2011, and
    - (c) any other enactment that applies (in whatever way) the definition of “charitable purpose” in section 2 of that Act.

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*Status: This is the original version (as it was originally enacted).*

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- (6) But subsection (5) is to be disregarded in determining, in accordance with section 3(1)(m) of the Charities Act 2011, whether a purpose may be regarded as analogous to, or within the spirit of, a purpose falling within paragraph (b) of section 3(1) of that Act.”
- (3) In section 248(1) of the Sentencing Code (meaning of “youth detention accommodation”), after paragraph (b) insert—
- “(ba) a secure 16 to 19 Academy,”.
- (4) In the Children’s Homes (England) Regulations 2015 ([S.I. 2015/541](#))—
- (a) in regulation 2 (interpretation), in paragraph (1), in the definition of “secure children’s home”—
- (i) after “means” insert “—
- (a) ”;
- (ii) at the end insert “; or
- (b) a secure 16 to 19 Academy (see section 1B(4) to (7) of the Academies Act 2010);”;
- (b) in regulation 3 (excepted establishments)—
- (i) in paragraph (1)(b), for “as” substitute “other than a secure 16 to 19 Academy, as those terms are”;
- (ii) omit paragraph (1A).