

## 1986 No. 1591

## CHILDREN AND YOUNG PERSONS

**The Secure Accommodation (No. 2) (Amendment)  
Regulations 1986**

Made - - - - - 11th September 1986

Laid before Parliament 19th September 1986

Coming into Operation 15th October 1986

The Secretary of State for Social Services in relation to England and the Secretary of State for Wales in relation to Wales in exercise of the powers conferred upon them by sections 21A(7), 39 and 85(4) of the Child Care Act 1980(a) and of all other powers enabling them in that behalf hereby make the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These Regulations may be cited as the Secure Accommodation (No. 2) (Amendment) Regulations 1986 and shall come into operation on 15th October 1986.

(2) In these regulations “the principal regulations” means the Secure Accommodation (No. 2) Regulations 1983(b).

*Amendment of regulation 4 of the principal regulations*

2. There shall be inserted at the beginning of regulation 4 of the principal regulations (placement of a child aged under 10 in secure accommodation in a community home) the words “Subject to regulation 10(3)”.

*Amendment of regulation 5 of the principal regulations*

3. In regulation 5 of the principal regulations (children to whom section 21A of the Child Care Act 1980 shall apply) after the words “shall apply also” there shall be inserted the words “to children committed to the care of a local authority by a judge exercising the inherent wardship jurisdiction, whether in the High Court or in wardship proceedings transferred to a county court under section 38 of the Matrimonial and Family Proceedings Act 1984(c) and”.

---

(a) 1980 c. 5. Section 21A, inserted by section 25 of the Criminal Justice Act 1982 (c. 48), was substituted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 2, paragraph 50. Section 39(2) of the 1980 Act was repealed in part by the 1983 Act, Schedule 10. Section 85 of the 1980 Act was amended by the 1983 Act, Schedule 2, paragraph 58.

(b) S.I. 1983/1808.

(c) 1984 c. 42.

*Amendment of regulation 10 of the principal regulations*

4. Regulation 10 of the principal regulations (maximum period in accommodation for restricting liberty without juvenile court authority) shall be amended as follows—

- (a) in paragraph (1) after the word “Subject” there shall be inserted the words “to paragraph (3) and”; and
- (b) at the end there shall be added the following paragraph—

“(3) A child who is a ward of court may be placed or kept in secure accommodation only pursuant to the direction of a judge exercising wardship jurisdiction, whether in the High Court or in wardship proceedings transferred to a county court under section 38 of the Matrimonial and Family Proceedings Act 1984; and paragraph (1) shall not apply in respect of a ward of court so kept pursuant to such a direction.”.

*Amendment of regulation 17 of the principal regulations*

5. At the end of regulation 17 of the principal regulations (review of placement in secure accommodation in a community home) there shall be added the following paragraph—

- “(4) Where the persons appointed under regulation 16 satisfy themselves that the criteria for keeping a child who is a ward of court in secure accommodation no longer apply, or that the placement of such a child in secure accommodation is no longer appropriate, the local authority shall as soon as practicable notify the court exercising wardship jurisdiction in relation to that child of the outcome of the review and seek the further directions of the court.”.

*Amendment of regulation 18 of the principal regulations*

6. In regulation 18 of the principal regulations (records to be kept in respect of a child in secure accommodation in a community home)—

- (a) in paragraph (d) after the words “of the 1980 Act” there shall be inserted the words “, any direction referred to in regulation 10(3)”;
- and
- (b) after paragraph (d) there shall be inserted the following paragraph—

“(dd) the date and time of any occasion on which a child is locked on his own in any room in the secure accommodation other than his bedroom during usual bedtime hours, the name of the person authorising this action, the reason for it and the date and time the child ceases to be locked in that room, and”.

*Amendment of the Schedule to the principal regulations*

7. In the Schedule to the principal regulations (children to whom section 21A of the 1980 Act shall apply) in paragraph (n) for the reference to "section 17" there shall be substituted the words "sections 17, 34(5)(a) in its application of section 2(2)(b) of the Guardianship Act 1973," and there shall be inserted after the words "adoption order," the words "interim order in custodianship,".

Signed by authority of the Secretary of State for Social Services.

*R. W. Whitney,*  
Parliamentary Under Secretary of State,  
Department of Health and Social Security.

9th September 1986.

*Nicholas Edwards,*  
Secretary of State for Wales.

11th September 1986.

---

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations amend the Secure Accommodation (No. 2) Regulations 1983 ("the principal regulations") and make provision for a child who is a ward of court to be placed or kept in secure accommodation only pursuant to the direction of a judge exercising wardship jurisdiction without the involvement of a juvenile court as presently required by regulation 10(1) of the principal regulations. Consequential amendments are made to the principal regulations relating to placement of children under 10 in such accommodation (regulation 2); restriction of liberty (regulation 4); reviews (regulation 5) and information to be recorded (regulation 6(a)).

The regulations also make provision for recording details of occasions when children are locked on their own in a room in the secure accommodation (regulation 6(b)) and for section 21A of the Child Care Act 1980 (secure accommodation) to apply to children committed to care under inherent wardship jurisdiction (regulation 3) and children committed to care by virtue of section 34(5) of the Children Act 1975 (interim orders in custodianship) (regulation 7) in addition to those children to whom section 21A already applies.

---

(a) Section 34 of the Children Act 1975 (c. 72) was substituted by section 64 of the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22).

SI 1986/1591  
ISBN 0-11-067591-6



780110 675916