

**2012 No. 3134**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Children (Secure Accommodation) (Amendment) (England)  
Regulations 2012**

<i>Made</i>	- - - -	<i>17th December 2012</i>
<i>Laid before Parliament</i>		<i>21st December 2012</i>
<i>Coming into force</i>	- -	<i>11th January 2013</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by section 25(7)(b) of the Children Act 1989(a).

**Citation and commencement**

1. These Regulations may be cited as the Children (Secure Accommodation) (Amendment) (England) Regulations 2012 and come into force on 11th January 2013.

**Amendment of regulation 6 of the Children (Secure Accommodation) Regulations 1991**

2. In regulation 6(1) of the Children (Secure Accommodation) Regulations 1991(b) (detained and remanded children to whom section 25 of the Children Act 1989 shall have effect subject to modifications)—

- (a) in sub-paragraph (a), after “children” where it first appears, insert “aged 12 or over but under the age of 17”; and
- (b) omit sub-paragraph (b).

17th December 2012

*Edward Timpson*  
Parliamentary Under Secretary of State  
Department for Education

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(a) 1989 c.41. The power is exercisable, as respects section 30A, by the Secretary of State in relation to England.  
(b) S.I. 1991/1505. Regulation 6 of S.I. 1991/1505 was amended by S.I. 1992/2117 and S.I. 2012/2824.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Children (Secure Accommodation) Regulations 1991 (“the 1991 Regulations”) and are made in connection with changes to the remand framework for children introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The modifications to the criteria which apply to the placing of a child who is detained by the police under section 38(6) of the Police and Criminal Evidence Act 1984 (“PACE”) have been made so as to align the approach to such placements with the approach taken in relation to children who are remanded to local authority accommodation.

As a result of these amendments, the criteria laid down in section 25(1) of the Children Act 1989 will now apply in relation to a decision by a local authority to place the following categories of children in secure accommodation:

- (a) children aged 10 or 11 who have been detained under section 38(6) of PACE; and
- (b) children remanded to local authority accommodation who are either charged with or have been convicted of a violent or sexual offence or of an offence punishable in the case of an adult with imprisonment for a term of 14 years or more; or who have a recent history of absconding while remanded to local authority accommodation and are charged with or convicted of an imprisonable offence alleged or found to have been committed whilst on remand.

The modified criteria set out in regulation 6(2) of the 1991 Regulations will continue to apply to children who are aged 12 or over but under the age of 17 who have been detained by the police under section 38(6) of PACE.

An impact assessment has not been prepared for these Regulations as no impact on businesses or civil society organisations is foreseen.

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