



# 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;

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*Changes to legislation: Social Services and Well-being (Wales) Act 2014, Cross Heading: Secure accommodation is up to date with all changes known to be in force on or before 21 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) View outstanding changes*

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- (c) provide that applications to the court under this section be made only by a local authority [<sup>F1</sup>or a local authority in England].
- (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 [<sup>F2</sup>the provision of representation under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012] 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).
- [<sup>F3</sup>(11) An order made under this section in relation to a child, if it would otherwise still be in force, ceases to have effect when the child reaches the age of 18.]

#### Textual Amendments

- F1** Words in s. 119(2)(c) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **304(a)**
- F2** Words in s. 119(6) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **304(b)**
- F3** S. 119(11) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **304(c)**

#### Modifications etc. (not altering text)

- C1** S. 119 excluded (6.4.2016) by [The Children \(Secure Accommodation\) \(Wales\) Regulations 2015 \(S.I. 2015/1988\)](#), regs. 1(2), **14**

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- C2** S. 119 modified (6.4.2016) by [The Children \(Secure Accommodation\) \(Wales\) Regulations 2015 \(S.I. 2015/1988\)](#), [regs. 1\(2\)](#), [15](#)
- C3** S. 119 applied (with modifications) (6.4.2016) by [The Children \(Secure Accommodation\) \(Wales\) Regulations 2015 \(S.I. 2015/1988\)](#), [regs. 1\(2\)](#), [16](#) (as amended (2.4.2018) by [S.I. 2018/391](#), [regs. 1\(4\)](#), [2](#))

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**Commencement Information**

- I1** S. 119 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))