



# Social Services and Well-being (Wales) Act 2014

2014 anaw 4

## PART 11

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous*

#### **186 Children in youth detention accommodation, prison or bail accommodation etc**

(1) In subsection (2), a “relevant child” means a child who, having been convicted of an offence—

- (a) is detained in youth detention accommodation or in prison,
- (b) is residing in approved premises, or
- (c) is residing in any other premises because a requirement to do so has been imposed on the child as a condition of the grant of bail in criminal proceedings.

(2) Where a relevant child, immediately before being convicted of an offence—

- (a) has needs for care and support that are being met by a local authority under Part 4,
- (b) is looked after by a local authority by virtue of being provided with accommodation by the authority, or
- (c) is ordinarily resident in the area of a local authority, but does not come within paragraph (a) or (b),

the child is to be treated for the purposes of this Act as being within that local authority's area while he or she is a relevant child (and is not to be treated as being ordinarily resident or within any other local authority's area).

(3) The provisions set out in subsection (4) do not apply in relation to a child who, having been convicted of an offence—

- (a) is detained in youth detention accommodation or in prison, or

**Changes to legislation:** *Social Services and Well-being (Wales) Act 2014, Section 186 is up to date with all changes known to be in force on or before 24 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*

- (b) is residing in approved premises.
- (4) The provisions are—
- (a) section 79 (provision of accommodation for children in care);
  - (b) section 80 (maintenance of looked after children);
  - (c) section 81 (ways in which looked after children are to be accommodated and maintained);
  - (d) section 82 (review of child's case before making alternative arrangements for accommodation);
  - (e) section 109 (support for category 2 young people);
  - (f) section 114 (support for category 5 young people and former category 5 young people);
  - (g) section 115 (support for category 6 young people and former category 6 young people);
  - (h) paragraph 1 of Schedule 1 (liability to contribute towards maintenance of looked after children).
- (5) Section 119 (use of accommodation for restricting liberty) does not apply in relation to—
- (a) a child who, having been convicted of an offence—
    - (i) is detained in youth detention accommodation or in prison, or
    - (ii) is residing in approved premises, or
  - (b) a child who is remanded to youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- (6) The provisions set out in subsection (7) do not apply in relation to a child who—
- (a) having been convicted of an offence—
    - (i) is detained in youth detention accommodation or in prison, or
    - (ii) is residing in approved premises, and
  - (b) immediately before being convicted, was provided with accommodation by a local authority in England under section 20 of the Children Act 1989.
- (7) The provisions are—
- (a) section 21 (duty to assess the needs of a child for care and support);
  - (b) section 37 (duty to meet care and support needs of a child);
  - (c) section 38 (power to meet care and support needs of a child).
- (8) See also section 187 for further modifications of this Act's provisions in relation to—
- (a) children who are detained in youth detention accommodation or in prison, and
  - (b) children who are residing in approved premises.

**Commencement Information**

**II** S. 186 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))