



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 6

LOOKED AFTER AND ACCOMMODATED CHILDREN

Accommodation duties

77 Accommodation for children in police protection or detention or on remand etc

- (1) A local authority must make provision for the reception and accommodation of children who are removed or kept away from home under Part 5 of the Children Act 1989.
- (2) A local authority must receive, and provide accommodation for, children—
 - (a) in police protection whom it is requested to receive under section 46(3)(f) of the Children Act 1989;
 - (b) whom it is requested to receive under section 38(6) of the Police and Criminal Evidence Act 1984;
 - (c) with respect to whom it is the designated authority and who are—
 - (i) remanded to accommodation provided by or on behalf of a local authority by virtue of [^{F1}paragraph 5 of Schedule 4 or paragraph 7 of Schedule 5 to the Sentencing Code] (breach etc of referral orders and reparation orders);
 - (ii) remanded to accommodation provided by or on behalf of a local authority by virtue of [^{F2}paragraph 25 of Schedule 7 to that Code] (breach etc of youth rehabilitation orders);
 - (iii) remanded to accommodation provided by or on behalf of a local authority by virtue of paragraph 10 of the Schedule to the Street Offences Act 1959 (breach of orders under section 1(2A) of that Act);

Changes to legislation: Social Services and Well-being (Wales) Act 2014, Section 77 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

- (iv) the subject of a youth rehabilitation order imposing a local authority residence requirement or a youth rehabilitation order with fostering.

[^{F3}(3) In subsection (2)—

“local authority residence requirement” has the meaning given by paragraph 24 of Schedule 6 to the Sentencing Code;

“youth rehabilitation order” has the meaning given by section 173 of that Code;

“youth rehabilitation order with fostering” has the meaning given by section 176 of that Code.]

(4) Subsection (5) applies where—

(a) a child has been—

(i) removed under Part 5 of the Children Act 1989, or

(ii) detained under section 38 of the Police and Criminal Evidence Act 1984, and

(b) the child is not being provided with accommodation—

(i) by a local authority [^{F4}or local authority in England], or

(ii) in a hospital vested in the Welsh Ministers, an NHS Trust, an NHS Foundation Trust or the Secretary of State, or otherwise made available pursuant to arrangements made by a Local Health Board, an NHS Trust, an NHS Foundation Trust, the Welsh Ministers, the Secretary of State, [^{F5}NHS England] or [^{F6}an integrated care board].

(5) Any reasonable expenses of accommodating the child are recoverable from the local authority [^{F7}or local authority in England] in whose area the child is ordinarily resident.

Textual Amendments

- F1** Words in s. 77(2)(c)(i) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 303\(2\)\(a\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F2** Words in s. 77(2)(c)(ii) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 303\(2\)\(b\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F3** S. 77(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 303\(4\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F4** Words in s. 77(4)(b)(i) 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), [300\(a\)](#)
- F5** Words in s. 77(4)(b)(ii) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 1 para. 26\(a\)](#); S.I. 2022/734, reg. 2(a), [Sch. \(with regs. 13, 29, 30\)](#)
- F6** Words in s. 77(4)(b)(ii) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 220\(a\)](#); S.I. 2022/734, reg. 2(a), [Sch. \(with regs. 13, 29, 30\)](#)
- F7** Words in s. 77(5) 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), [300\(b\)](#)

Commencement Information

- I1** S. 77 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

Changes to legislation:

Social Services and Well-being (Wales) Act 2014, Section 77 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.

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Changes and effects yet to be applied to :

- s. 77(2)(c)(i) words substituted by [2020 c. 17 Sch. 24 para. 303\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. It relates to the Welsh text version only)
- s. 77(2)(c)(ii) words substituted by [2020 c. 17 Sch. 24 para. 303\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. It relates to the Welsh text version only)
- s. 77(3) substituted by [2020 c. 17 Sch. 24 para. 303\(5\)](#) (This amendment not applied to legislation.gov.uk. It relates to the Welsh text version only)
- s. 77(4)(b)(ii) words substituted by [2022 c. 31 Sch. 1 para. 26\(b\)](#) (Amendment to Welsh text)
- s. 77(4)(b)(ii) words substituted by [2022 c. 31 Sch. 4 para. 220\(b\)](#) (Amendment to Welsh text)

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))