



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 paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 (breach etc of referral orders and reparation orders);
 - (ii) remanded to accommodation provided by or on behalf of a local authority by virtue of paragraph 21 of Schedule 2 to the Criminal Justice and Immigration Act 2008 (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);

Status: This is the original version (as it was originally enacted).

- (iv) the subject of a youth rehabilitation order imposing a local authority residence requirement or a youth rehabilitation order with fostering.
- (3) In subsection (2), the following terms have the same meanings as in Part 1 of the Criminal Justice and Immigration Act 2008 (see section 7 of that Act)—
 - “local authority residence requirement”;
 - “youth rehabilitation order”;
 - “youth rehabilitation order with fostering”.
- (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, 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, the National Health Service Commissioning Board or a clinical commissioning group.
- (5) Any reasonable expenses of accommodating the child are recoverable from the local authority in whose area the child is ordinarily resident.