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**Changes to legislation:** Children Act 1989, Paragraph 2 is up to date with all changes known to be in force on or before 20 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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## SCHEDULES

### SCHEDULE 4

#### MANAGEMENT AND CONDUCT OF COMMUNITY HOMES

##### PART I

##### INSTRUMENTS OF MANAGEMENT

###### *Instruments of management for controlled and assisted community homes*

- 2 (1) An instrument of management shall contain such provisions as the Secretary of State considers appropriate.
- (2) Nothing in the instrument of management shall affect the purposes for which the premises comprising the home are held.
- (3) Without prejudice to the generality of sub-paragraph (1), an instrument of management may contain provisions—
- (a) specifying the nature and purpose of the home (or each of the homes) to which it relates;
  - (b) requiring a specified number or proportion of the places in that home (or those homes) to be made available to local authorities and to any other body specified in the instrument; and
  - (c) relating to the management of that home (or those homes) and the charging of fees with respect to—
    - (i) children placed there; or
    - (ii) places made available to any local authority or other body.
- (4) Subject to sub-paragraphs (1) and (2), in the event of any inconsistency between the provisions of any trust deed and an instrument of management, the instrument of management shall prevail over the provisions of the trust deed in so far as they relate to the home concerned.
- (5) After consultation with the voluntary organisation concerned and with the local authority specified in its instrument of management, the Secretary of State may by order vary or revoke any provisions of the instrument.

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##### **Commencement Information**

**II** Sch. 4 Pt. I para. 2 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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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. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)