



Children Act 1989

1989 CHAPTER 41

PART III

[^{F1}SUPPORT FOR CHILDREN AND FAMILIES PROVIDED BY LOCAL AUTHORITIES IN ENGLAND]

Provision of accommodation for children

21 Provision of accommodation for children in police protection or detention or on remand, etc.

- (1) Every local authority shall make provision for the reception and accommodation of children who are removed or kept away from home under Part V.
- (2) Every local authority shall receive, and provide accommodation for, children—
 - (a) in police protection whom they are requested to receive under section 46(3)(f);
 - (b) whom they are requested to receive under section 38(6) of the ^{M1}Police and Criminal Evidence Act 1984;
 - (c) who are—
 - ^{F1}(i)
 - ^{F2}(ia) remanded to accommodation provided by or on behalf of a local authority by virtue of [^{F3}paragraph 5 of Schedule 4 or paragraph 7 of Schedule 5 to the Sentencing Code] (breach etc. of referral orders and reparation orders);]
 - ^{F4}(ii) remanded to accommodation provided by or on behalf of a local authority by virtue of [^{F5}paragraph 25 of Schedule 7 to that Code] (breach etc. of youth rehabilitation orders); ^{F6} . . .]
 - ^{F7}(iia) 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);]
 - ^{F8}(iii) the subject of a youth rehabilitation order imposing a local authority residence requirement or a youth rehabilitation order with fostering.]

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and with respect to whom they are the designated authority.

[^{F9}(2A) In subsection (2)(c)(iii)—

“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.]

(3) Where a child has been—

(a) removed under Part V; or

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

and he is not being provided with accommodation by a local authority [^{F10}or by a local authority in Wales] or in a hospital vested in the [^{F11}Secretary of State or][^{F12}, the Welsh Ministers]^{F13} ..., [^{F14}or otherwise made available pursuant to arrangements made by [^{F15}the Secretary of State, [^{F16}NHS England] or [^{F17}an integrated care board] under the National Health Service Act 2006 or] a [^{F18}Health Authority][^{F19}Local Health Board]^{F13} ..., any reasonable expenses of accommodating him shall be recoverable from the local authority [^{F20}, or local authority in Wales,] in whose area he is ordinarily resident.

Textual Amendments

- F1** S. 21(2)(c)(i) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 24](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F2** S. 21(2)(c)(ia) inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 153, [Sch. 4 para. 105](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, [art. 2\(p\)\(v\)](#)
- F3** Words in s. 21(2)(c)(ia) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 108\(2\)\(a\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F4** S. 21(2)(c)(ii)(iii) substituted (30.11.2009) for s. 21(2)(c)(ii) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 153, [Sch. 4 para. 34\(2\)\(b\)](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, [art. 2\(p\)\(v\)](#)
- F5** Words in s. 21(2)(c)(ii) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 108\(2\)\(b\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F6** Word in s. 21(2)(c)(ii) repealed (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(1)(2), 116(1), [Sch. 7 para. 21](#), [Sch. 8 Pt. 2](#); S.I. 2010/507, [art. 5\(v\)\(x\)](#)
- F7** S. 21(2)(c)(ia) inserted (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(1), 116(1), [Sch. 7 para. 21](#); S.I. 2010/507, [art. 5\(v\)](#)
- F8** S. 21(2)(c)(ii)(iii) substituted (30.11.2009) for s. 21(2)(c)(ii) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 153, [Sch. 4 para. 34\(2\)\(b\)](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, [art. 2\(p\)\(v\)](#)
- F9** S. 21(2A) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 108\(3\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F10** Words in s. 21(3) 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), [68\(a\)](#)
- F11** Words in s. 21(3) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 48\(a\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- F12** Words in s. 21(3) inserted (13.11.2008) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. 39, 44, [Sch. 3 para. 5](#)
- F13** Words in s. 21(3) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 48\(b\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- F14** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), [Sch. 9 para. 36\(1\)](#)

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- F15** Words in s. 21(3) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 48(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F16** Words in s. 21 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 1(1)(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F17** Words in s. 21(3) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 28**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F18** Words in s. 21(3) substituted (1.4.1996) by 1995 c. 17, ss. 1(2), 2(1)(3), **Sch. 1**, Pt. III, para. 118(3) (with Sch. 2 para. 6)
- F19** Words in s. 21(3) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), **arts. 2, 3** {Sch. para. 20(2)(a)}
- F20** Words in s. 21(3) 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), **68(b)**

Commencement Information

- I1** S. 21 in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

Marginal Citations

- M1** 1984 c. 60.

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Changes and effects yet to be applied to :

- s. 21(2)(c)(i) amended by [1994 c. 33 s. 168\(1\)Sch. 9 para. 38](#)

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\(2\)\(b\)](#)