



Children Act 1989

1989 CHAPTER 41

PART VI

COMMUNITY HOMES

- 56 Discontinuance by voluntary organisation of controlled or assisted community home.**
- (1) The voluntary organisation by which a controlled or assisted community home is provided shall not cease to provide the home except after giving to the Secretary of State and the local authority specified in the home's instrument of management not less than two years' notice in writing of their intention to do so.
 - (2) A notice under subsection (1) shall specify the date from which the voluntary organisation intend to cease to provide the home as a community home.
 - (3) Where such a notice is given and is not withdrawn before the date specified in it, the home's instrument of management shall cease to have effect on that date and the home shall then cease to be a controlled or assisted community home.
 - (4) Where a notice is given under subsection (1) and the home's managers give notice in writing to the Secretary of State that they are unable or unwilling to continue as its managers until the date specified in the subsection (1) notice, the Secretary of State may by order—
 - (a) revoke the home's instrument of management; and
 - (b) require the local authority who were specified in that instrument to conduct the home until—
 - (i) the date specified in the subsection (1) notice; or
 - (ii) such earlier date (if any) as may be specified for the purposes of this paragraph in the order,as if it were a community home provided by the local authority.
 - (5) Where the Secretary of State imposes a requirement under subsection (4)(b)—

Changes to legislation: Children Act 1989, Section 56 is up to date with all changes known to be in force on or before 24 January 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](#)

- (a) nothing in the trust deed for the home shall affect the conduct of the home by the local authority;
- (b) the Secretary of State may by order direct that for the purposes of any provision specified in the direction and made by or under any enactment relating to community homes (other than this section) the home shall, until the date or earlier date specified as mentioned in subsection (4)(b), be treated as a controlled or assisted community home;
- (c) except in so far as the Secretary of State so directs, the home shall until that date be treated for the purposes of any such enactment as a community home provided by the local authority; and
- (d) on the date or earlier date specified as mentioned in subsection (4)(b) the home shall cease to be a community home.

Commencement Information

II [S. 56](#) wholly in force at 14.10.1991 see 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\(2\)\(b\)](#)