
Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, Cross Heading: Children Act 1989. (See end of Document for details)

SCHEDULES

SCHEDULE 1

PLACING CHILDREN IN SECURE ACCOMMODATION ELSEWHERE IN GREAT BRITAIN

Children Act 1989

- 1 The Children Act 1989 is amended as follows.
- 2 (1) Section 25 (use of accommodation in England for restricting liberty of children looked after by English and Welsh local authorities)—
 - (a) is to extend also to Scotland, and
 - (b) is amended as follows.
- (2) In subsection (1)—
 - (a) for “or local authority in Wales” substitute “ in England or Wales ”;
 - (b) after “accommodation in England” insert “ or Scotland ”.
- (3) In subsection (2)—
 - (a) in paragraphs (a)(i) and (ii) and (b), after “secure accommodation in England” insert “ or Scotland ”;
 - (b) in paragraph (c), for “or local authorities in Wales” substitute “ in England or Wales ”.
- (4) After subsection (5) insert—

“(5A) Where a local authority in England or Wales are authorised under this section to keep a child in secure accommodation in Scotland, the person in charge of the accommodation may restrict the child's liberty to the extent that the person considers appropriate, having regard to the terms of any order made by a court under this section.”
- (5) In subsection (7)—
 - (a) in paragraph (c), after “secure accommodation in England” insert “ or Scotland ”;
 - (b) after that paragraph, insert—
 - “(d) a child may only be placed in secure accommodation that is of a description specified in the regulations (and the description may in particular be framed by reference to whether the accommodation, or the person providing it, has been approved by the Secretary of State or the Scottish Ministers).”
- (6) After subsection (8) insert—

“(8A) Sections 168 and 169(1) to (4) of the Children's Hearings (Scotland) Act 2011 (asp 1) (enforcement and absconding) apply in relation to an order

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under subsection (4) above as they apply in relation to the orders mentioned in section 168(3) or 169(1)(a) of that Act.”

- 3 In paragraph 19(9) of Schedule 2 (restrictions on arrangements for children to live abroad), after “does not apply” insert “—
- (a) to a local authority placing a child in secure accommodation in Scotland under section 25, or
 - (b)”.

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