
WELSH STATUTORY INSTRUMENTS

2013 No. 663 (W.76)

CHILDREN AND YOUNG PERSONS, WALES

**The Children (Secure Accommodation)
(Amendment) (Wales) Regulations 2013**

<i>Made</i>	- - - -	<i>19 March 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>20 March 2013</i>
<i>Coming into force</i>	- -	<i>18 April 2013</i>

The Welsh Ministers, in exercise of the power conferred by section 25(7) of the Children Act 1989⁽¹⁾, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Children (Secure Accommodation) (Amendment) (Wales) Regulations 2013.

(2) These Regulations come into force on 18 April 2013.

(3) These Regulations apply in relation to Wales.

Amendment of regulation 6 of the Children (Secure Accommodation) Regulations 1991

2. In regulation 6(1) of the Children (Secure Accommodation) Regulations 1991⁽²⁾ (detained and remanded children to whom section 25 of the Children Act 1989 shall have effect subject to modifications)—

(a) in sub-paragraph (a), after “children” where it first appears, insert “aged 12 or over but under the age of 17”;

(b) at the end of sub-paragraph (a) omit “, and”; and

(c) omit sub-paragraph (b).

(1) The appropriate national authority referred to in section 25(7) is defined by section 30A of the Children Act 1989 as the Welsh Ministers in relation to Wales.

(2) S.I.1991/1505. Regulation 6 of S.I. 1991/1505 was amended by S.I. 1992/2117 and S.I. 2012/2824.

Status: *This is the original version (as it was originally made). Wales
Statutory Instruments are not carried in their revised form on this site.*

19 March 2013

Gwenda Thomas
Deputy Minister for Social Services under the
authority of the Minister for Health and Social
Services, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Children (Secure Accommodation) Regulations 1991 (“the 1991 Regulations”) and are made in connection with changes to the remand framework for children introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The modifications to the criteria which apply to the placing of a child who was detained by the police under section 38(6) of the Police and Criminal Evidence Act 1984 (“PACE”) have been made so as to align the approach to such placements with the approach taken in relation to children who are remanded to local authority accommodation.

As a result of the amendments the criteria laid down in section 25(1) of the Children Act 1989 will now apply in relation to a decision by a local authority to place the following categories of children in secure accommodation:

- (a) children aged 10 or 11 who have been detained under section 38(6) of PACE, and
- (b) children remanded to local authority accommodation who are either charged with, or have been convicted of, a violent or sexual offence or an offence punishable in the case of an adult with imprisonment for a term of 14 years or more, or who have a recent history of absconding while remanded to local authority accommodation and are charged with, or convicted of, an imprisonable offence alleged or found to have been committed whilst on remand.

The modified criteria set out in regulation 6(2) of the 1991 Regulations will continue to apply to children who are aged 12 or over but who are under the age of 17 who have been detained by the police under section 38(6) of PACE.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.