STATUTORY RULES OF NORTHERN IRELAND

1996 No. 487

CHILDREN

The Children (Secure Accommodation) Regulations (Northern Ireland) 1996

Made - - - -	*10th October 1996*
Coming into operation	*4th November 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 44(3) and (8), 45(1) and (2), 73(1) and (2)(*d*), 89(1), (2)(*f*) and (3), 105(1), (2)(*f*) and (3) of the Children (Northern Ireland) Order 1995(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children (Secure Accommodation) Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

(2) In these Regulations—

"the Order" means the Children (Northern Ireland) Order 1995;

"authority home" means a home provided by an authority under Part VII of the Order;

"independent visitor" means a person appointed under Article 31(1);

"secure accommodation" means accommodation which is provided for the purpose of restricting the liberty of children to whom Article 44 applies.

(3) Any notice required under these Regulations is to be given in writing and may be sent by ordinary post.

(4) In these Regulations, any reference to a numbered Article is to the Article of the Order bearing that number.

Placement of a child aged under 13 in secure accommodation

2. Article 44 shall be modified in relation to a child under the age of 13 years of age so that a child under the age of 13 years shall not be placed in secure accommodation in an authority home without the prior approval of the Department.

(**1**) S.I.1995/755 (N.I. 2)

Children to whom Article 44 shall not apply

3.—(1) Article 44 shall not apply to a child who is detained under any provision of the Mental Health (Northern Ireland) Order 1986(**2**).

(2) Article 44 shall not apply to a child—

(a) to whom Article 21(5) (accommodation of persons over 16 but under 21) applies and who is being accommodated under that Article; or

(b) in respect of whom an order has been made under Article 62 (child assessment order) and who is kept away from home pursuant to that order.

Applications to court

4. Applications to a court under Article 44 in respect of a child who is being looked after by an authority shall be made only by that authority.

Duty to give notice of placement in an authority home

5. Where a child is placed in secure accommodation in an authority home which is managed by an authority other than the authority which is looking after him, the authority which manages that accommodation shall inform the authority which is looking after him that he has been placed there, within 12 hours of his being placed there.

Maximum period in secure accommodation without court authority

6.—(1) Subject to paragraph (2), the maximum period beyond which a child to whom Article 44 applies may not be kept in secure accommodation without the authority of a court is an aggregate of 72 hours (whether or not consecutive) in any period of 28 consecutive days.

(2) Where authority of a court to keep a child in secure accommodation has been given, any period during which the child has been kept in such accommodation before the giving of that authority shall be disregarded for the purposes of calculating the maximum period in relation to any subsequent occasion on which the child is placed in such accommodation after the period authorised by the court has expired.

Maximum initial period of authorisation by a court

7. Subject to regulation 8, the maximum period for which a court may authorise a child to whom Article 44 applies to be kept in secure accommodation is 3 months.

Further periods of authorisation by a court

8. A court may authorise a child to whom Article 44 applies to be kept in secure accommodation for a further period not exceeding 6 months at any one time.

Duty to notify parents and others in relation to children in secure accommodation in an authority home

9. Where a child to whom Article 44 applies is kept in secure accommodation in an authority home and it is intended that an application will be made to a court to keep the child in that accommodation, the authority which is looking after the child shall, if practicable, give notice of that intention, as soon as possible, to—

(a) his parents;

(**2**) S.I. 1986/595 (N.I. 4)