



Jersey

# **CHILDREN (SECURE ACCOMMODATION) (JERSEY) ORDER 2005**

## **Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 1 January 2023 to Current



Jersey

## CHILDREN (SECURE ACCOMMODATION) (JERSEY) ORDER 2005

### Contents

#### Article

1	Interpretation .....	3
2	Maximum period in secure accommodation without court authority .....	3
3	Maximum period of authorization by a court .....	4
4	Applications to the court .....	4
5	Children to whom Article 22 of the Law shall not apply .....	4
6	.....	4
7	Children to whom Article 22 of the Law shall apply and have effect subject to modifications .....	4
8	Duty to inform parents and others in relation to children in secure accommodation ..	5
9	Appointment of persons to review placement in secure accommodation .....	5
10	Review of placement in secure accommodation .....	5
11	Citation .....	6

#### ENDNOTES 7

Table of Legislation History.....	7
Table of Renumbered Provisions .....	7
Table of Endnote References .....	7



Jersey

## **CHILDREN (SECURE ACCOMMODATION) (JERSEY) ORDER 2005**

**THE HEALTH AND SOCIAL SERVICES COMMITTEE**, in pursuance of Articles 22 and 81 of the [Children \(Jersey\) Law 2002](#), orders as follows –

Commencement [[see endnotes](#)]

---

### **1 Interpretation**

In this Order “Law” means the [Children \(Jersey\) Law 2002](#).

### **2 Maximum period in secure accommodation without court authority**

- (1) Subject to paragraphs (2) and (3), the maximum period beyond which a child to whom Article 22 of the Law applies may not be kept in secure accommodation without the authority of the court, is an aggregate of 72 hours (whether or not consecutive) in any period of 28 consecutive days.
- (2) Where authority of the 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 purpose of calculating the maximum period in relation to any subsequent occasion on which the child is placed in such accommodation after the period authorized by the court has expired.
- (3) Where a child is in secure accommodation –
  - (a) at any time between 12 midday on the day before and 12 midday on the day after a holiday or a Sunday;
  - (b) during that period the maximum period specified in paragraph (1) expires; and
  - (c) the child had, in the 27 days before the day on which the child was placed in secure accommodation, been placed and kept in such accommodation for an aggregate of more than 48 hours,

the maximum period does not expire until 12 midday on the first day that is not a holiday or a Sunday after the holiday or Sunday mentioned in sub-paragraph (a).

### **3 Maximum period of authorization by a court**

- (1) Subject to paragraphs (2) and (3), the maximum period for which the court may authorize a child to whom Article 22 of the Law applies to be kept in secure accommodation is 3 months.
- (2) The court may from time to time authorize a child to whom Article 22 of the Law applies to be kept in secure accommodation for a further period not exceeding 6 months at any one time.
- (3) The maximum period for which the court may from time to time authorize a child who has been remanded to a remand centre under Article 16 of the Criminal Justice (Young Offenders) (Jersey) Law 1994 to be kept in secure accommodation (whether the period is an initial period or a further period) is the period of the remand and any period of authorization in respect of such a child shall not exceed 28 days on any occasion without further court authorization.

### **4 Applications to the court**

Applications to the court under Article 22 of the Law shall be made only by the Minister.

### **5 Children to whom Article 22 of the Law shall not apply**

- (1) Article 22 of the Law shall not apply to a child who is detained under any provision of the [Mental Health \(Jersey\) Law 2016](#).<sup>1</sup>
- (2) Article 22 of the Law shall not apply to a child –
  - (a) to whom Article 17(5) of the Law applies who is being accommodated in a children's home under that provision; or
  - (b) in respect of whom a child assessment order has been made and who is kept away from home pursuant to that order.

### **6** <sup>2</sup>

### **7 Children to whom Article 22 of the Law shall apply and have effect subject to modifications**

- (1) Subject to Article 5 and to paragraphs (2) and (3), Article 22 of the Law shall apply (in addition to children looked after by the Minister) to children other than those looked after by the Minister who are accommodated –
  - (a)
  - (b) in premises that are provided as part of a care home service within the meaning of paragraph 4 or a children's home service within the meaning of paragraph 7 of Schedule 1 to the [Regulation of Care \(Jersey\) Law 2014](#).<sup>3</sup>
- (2) <sup>4</sup>
- (3) In relation to the children specified in paragraph (1)(b), Article 22 of the Law shall have effect as if in paragraph (1) for the words "who is being looked after by the Minister" there were substituted the words "who is being provided with accommodation in premises that are provided as part of a care home service within

the meaning of paragraph 4 or a children's home service within the meaning of paragraph 7 of Schedule 1 to the [Regulation of Care \(Jersey\) Law 2014](#)".<sup>5</sup>

## **8 Duty to inform parents and others in relation to children in secure accommodation**

If a child to whom Article 22 of the Law applies is kept in secure accommodation and it is intended that an application will be made to a court to keep the child in that accommodation, the Minister shall, if practicable and as soon as possible, inform –

- (a) the child's parents;
- (b) any person who is not the child's parent but who has parental responsibility for the child; and
- (c) the child's independent visitor, if one has been appointed under paragraph 3 of Schedule 2 to the Law; and
- (d) any other person whom the Minister considers should be informed.

## **9 Appointment of persons to review placement in secure accommodation**

The Minister shall appoint 3 persons, at least one of whom must not be an officer of an administration of the States for which the Minister is assigned responsibility, who shall review the keeping of a child to whom Article 22 of the Law applies in secure accommodation for the purposes of securing his or her welfare, within one month of the inception of the placement and then at intervals not exceeding 3 months if the child continues to be kept in such accommodation.<sup>6</sup>

## **10 Review of placement in secure accommodation**

- (1) The persons appointed under Article 9 to review the keeping of a child in secure accommodation shall satisfy themselves as to whether or not –
  - (a) the criteria for keeping the child in secure accommodation continue to apply;
  - (b) the placement in such accommodation continues to be necessary; and
  - (c) any other description of accommodation would be appropriate for the child, and in doing so shall have regard to the welfare of the child whose case is being reviewed.
- (2) In undertaking the review the person appointed shall, if practicable, ascertain and take into account the wishes and feelings of –
  - (a) the child;
  - (b) any parent of the child;
  - (c) any person not being a parent of the child but who has parental responsibility for the child;
  - (d) any other person who has had the care of the child, whose views the persons appointed consider should be taken into account; and
  - (e) the child's independent visitor if one has been appointed under paragraph 3 of Schedule 2 to the Law.

- (3) The Minister shall, if practicable, inform all those whose views are required to be taken into account under paragraph (2) of the outcome of the review and what action, if any, the Minister decides to take in relation to the child in the light of the review, and the reasons for the decision.

## **11 Citation**

This Order may be cited as the Children (Secure Accommodation) (Jersey) Order 2005.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Children (Secure Accommodation) (Jersey) Order 2005	<a href="#">R&amp;O.78/2005</a>	1 August 2005, except the Schedule; the Schedule, 9 December 2005
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016
Criminal Justice (Young Offenders) (Consequential Provisions) (Jersey) Regulations 2016	<a href="#">R&amp;O.115/2016</a>	23 November 2016
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	<a href="#">R&amp;O.49/2018</a>	1 October 2018 ( <a href="#">R&amp;O.51/2018</a> )
Regulation of Care (Regulated Activities) (Jersey) Regulations 2018	<a href="#">R&amp;O.118/2018</a>	1 January 2019
States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021	<a href="#">R&amp;O.29/2021</a>	2 March 2021
Regulation of Care (Regulated Activities) (Amendment of Law) (Jersey) Regulations 2022	<a href="#">R&amp;O.55/2022</a>	1 January 2023 ( <a href="#">R&amp;O.117/2022</a> )

### Table of Renumbered Provisions

Original	Current
11	Spent, omitted
12(1)	11
12(2) and (3)	Spent, omitted
Schedule	Spent, omitted

### Table of Endnote References

<sup>1</sup> Article 5(1)	<i>amended by R&amp;O.115/2016, R&amp;O.49/2018</i>
<sup>2</sup> Article 6	<i>deleted by R&amp;O.115/2016</i>
<sup>3</sup> Article 7(1)	<i>amended by R&amp;O.158/2015, R&amp;O.118/2018, R&amp;O.29/2021, R&amp;O.55/2022</i>
<sup>4</sup> Article 7(2)	<i>amended by R&amp;O.158/2015, deleted by R&amp;O.29/2021</i>
<sup>5</sup> Article 7(3)	<i>amended by R&amp;O.118/2018, R&amp;O.55/2022</i>
<sup>6</sup> Article 9	<i>amended by R&amp;O.115/2016</i>