

Statutory Document No. 2002/0877



Children and Young Persons Act 2001

REMANDS TO ACCOMMODATION PROVIDED BY THE DEPARTMENT REGULATIONS 2002¹

Approved by Tynwald: 22 January 2003
Coming into Operation: 1 February 2003

In exercise of the powers conferred on the Department of Health and Social Security by sections 28 and 76(5) of the Children and Young Persons Act 2001¹, and of all other enabling powers, the following Regulations are hereby made: —

1 Citation, commencement and interpretation

- (1) These Regulations may be cited as the Remands to Accommodation Provided by the Department Regulations 2002 and, subject to section 104(2) of the Act, shall come into operation on 1st February 2003.
- (2) In these Regulations —
“**the Act**” means the Children and Young Persons Act 2001;
“**placement plan**” means a plan prepared in accordance with regulation 3.

2 Placement plan

The Department shall, as soon as possible after a child or young person is remanded to accommodation provided by the Department, prepare a written plan setting out —

- (a) how, on a day-to-day basis, he is to be cared for and his welfare safeguarded and promoted;
- (b) the arrangements made for his health care and education; and
- (c) any arrangements made for contact with his parents, relatives and friends.

3 Review of security requirements or conditions

- (1) This regulation applies where —
 - (a) a security requirement, or

¹ 2001 c.20

- (b) a condition imposed under section 76(8) of the Act,
is in force in respect of a child or young person remanded to
accommodation provided by the Department.
- (2) Where the Department is of the opinion that, in the light of information
not available to the court at the time the young person was so remanded,
that the requirement or condition is not necessary or ought to be modified,
it shall make a report to the court to that effect.

4 Detention under section 76(4) of the Act

- (1) Where a placement plan has been prepared in relation to a child or young
person remanded to accommodation provided by the Department, the
Department may not detain him under section 76(4) of the Act except –
 - (a) in accordance with the placement plan, or
 - (b) in circumstances outside the scope of the placement plan or in an
emergency, for a period or periods not exceeding 48 hours in the
aggregate.
- (2) Where a placement plan has not been prepared in relation to such a child
or young person, the Department may not detain him under section 76(4)
of the Act except for a period or periods not exceeding 48 hours in the
aggregate.
- (3) The Department shall review any detention under section 76(4) of the
Act –
 - (a) within 48 hours after it has begun, and
 - (b) at intervals not exceeding 48 hours thereafter.
- (4) The Department shall notify the court by which the child or young person
was remanded of any detention under section 76(4) of the Act –
 - (a) if the detention is of 24 hours or less in the aggregate, at the next
sitting of the court at which a child or young person appears,
 - (b) in any other case, on the next day (not being a Saturday, Sunday or
bank holiday) after the day when the detention exceeds 24 hours in
the aggregate.

5 Records to be kept

Where a child or young person is remanded to accommodation provided by the
Department, the Department shall keep a record of –

- (a) his name, date of birth and sex;
- (b) the date of the remand and the date of his next appearance in court;
- (c) any security requirement imposed on the Department;
- (d) any conditions imposed under section 76(8) of the Act;
- (e) if he is placed in secure accommodation –

- (i) the date and time of his placement,
 - (ii) the reason for it, and
 - (iii) if otherwise than in pursuance of a security requirement, the name of the officer authorising the placement;
- (f) the place where the child or young person was living before the remand,
- (g) all visits to and from his parents, friends, professional advisors and other contacts during the period of remand;
- (h) any restrictions on such visits imposed by the Department,
- (i) any absences from accommodation provided by the Department, and whether authorised or not,
- (j) any detention under section 76(4) of the Act, with particulars of —
- (i) the method of detention,
 - (ii) the reason for it;
 - (iii) the length of the detention; and
 - (iv) any review in pursuance of these Regulations;
- (k) any matter reported or notified to the court in pursuance of these Regulations;
- (l) the date and time when his remand terminated; and
- (m) his address following the termination of the remand.

6 Duty to inform parents and others

Where a child or young person is remanded to accommodation provided by the Department, the Department shall as soon as practicable inform the following of the remand —

- (a) his parent,
- (b) any person who is not a parent of his but who has parental responsibility for him,
- (c) any person appointed to be his visitor under paragraph 3 of Schedule 2 to the Act; and
- (d) any other person who the Department considers should be informed.

MADE 20 DECEMBER 2002

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.