



# Children Act 1989

## 1989 CHAPTER 41

### PART III

#### LOCAL AUTHORITY SUPPORT FOR CHILDREN AND FAMILIES

##### *Provision of services for children and their families*

#### **17 Provision of services for children in need, their families and others**

- (1) It shall be the general duty of every local authority (in addition to the other duties imposed on them by this Part)—
  - (a) to safeguard and promote the welfare of children within their area who are in need; and
  - (b) so far as is consistent with that duty, to promote the upbringing of such children by their families,by providing a range and level of services appropriate to those children's needs.
- (2) For the purpose principally of facilitating the discharge of their general duty under this section, every local authority shall have the specific duties and powers set out in Part 1 of Schedule 2.
- (3) Any service provided by an authority in the exercise of functions conferred on them by this section may be provided for the family of a particular child in need or for any member of his family, if it is provided with a view to safeguarding or promoting the child's welfare.
- (4) The Secretary of State may by order amend any provision of Part 1 of Schedule 2 or add any further duty or power to those for the time being mentioned there.
- (5) Every local authority—
  - (a) shall facilitate the provision by others (including in particular voluntary organisations) of services which the authority have power to provide by virtue of this section, or section 18, 20, 23 or 24; and

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- (b) may make such arrangements as they see fit for any person to act on their behalf in the provision of any such service.
- (6) The services provided by a local authority in the exercise of functions conferred on them by this section may include giving assistance in kind or, in exceptional circumstances, in cash.
- (7) Assistance may be unconditional or subject to conditions as to the repayment of the assistance or of its value (in whole or in part).
- (8) Before giving any assistance or imposing any conditions, a local authority shall have regard to the means of the child concerned and of each of his parents.
- (9) No person shall be liable to make any repayment of assistance or of its value at any time when he is in receipt of income support or family credit under the Social Security Act 1986.
- (10) For the purposes of this Part a child shall be taken to be in need if—
  - (a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part;
  - (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
  - (c) he is disabled,
 and “family”, in relation to such a child, includes any person who has parental responsibility for the child and any other person with whom he has been living.
- (11) For the purposes of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this Part—
  - “development” means physical, intellectual, emotional, social or behavioural development; and
  - “health” means physical or mental health.

## **18 Day care for pre-school and other children**

- (1) Every local authority shall provide such day care for children in need within their area who are—
  - (a) aged five or under; and
  - (b) not yet attending schools,
 as is appropriate.
- (2) A local authority may provide day care for children within their area who satisfy the conditions mentioned in subsection (1)(a) and (b) even though they are not in need.
- (3) A local authority may provide facilities (including training, advice, guidance and counselling) for those—
  - (a) caring for children in day care; or
  - (b) who at any time accompany such children while they are in day care.
- (4) In this section “day care” means any form of care or supervised activity provided for children during the day (whether or not it is provided on a regular basis).

- (5) Every local authority shall provide for children in need within their area who are attending any school such care or supervised activities as is appropriate—
  - (a) outside school hours; or
  - (b) during school holidays.
- (6) A local authority may provide such care or supervised activities for children within their area who are attending any school even though those children are not in need.
- (7) In this section “supervised activity” means an activity supervised by a responsible person.

## **19 Review of provision for day care, child minding etc**

- (1) Every local authority in England and Wales shall review—
  - (a) the provision which they make under section 18;
  - (b) the extent to which the services of child minders are available within their area with respect to children under the age of eight; and
  - (c) the provision for day care within their area made for children under the age of eight by persons other, than the authority, required to register under section 71(1)(b).
- (2) A review under subsection (1) shall be conducted—
  - (a) together with the appropriate local education authority; and
  - (b) at least once in every review period.
- (3) Every local authority in Scotland shall, at least once in every review period, review—
  - (a) the provision for day care within their area made for children under the age of eight by the local authority and by persons required to register under section 71(1)(b); and
  - (b) the extent to which the services of child minders are available within their area with respect to children under the age of eight.
- (4) In conducting any such review, the two authorities or, in Scotland, the authority shall have regard to the provision made with respect to children under the age of eight in relevant establishments within their area.
- (5) In this section—

“relevant establishment” means any establishment which is mentioned in paragraphs 3 and 4 of Schedule 9 (hospitals, schools and other establishments exempt from the registration requirements which apply in relation to the provision of day care); and

“review period” means the period of one year beginning with the commencement of this section and each subsequent period of three years beginning with an anniversary of that commencement.
- (6) Where a local authority have conducted a review under this section they shall publish the result of the review—
  - (a) as soon as is reasonably practicable;
  - (b) in such form as they consider appropriate; and
  - (c) together with any proposals they may have with respect to the matters reviewed.

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- (7) The authorities conducting any review under this section shall have regard to—
- (a) any representations made to any one of them by any relevant health authority or health board; and
  - (b) any other representations which they consider to be relevant.
- (8) In the application of this section to Scotland, “day care” has the same meaning as in section 79 and “health board” has the same meaning as in the National Health Service (Scotland) Act 1978.

*Provision of accommodation for children*

**20 Provision of accommodation for children: general**

- (1) Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of—
- (a) there being no person who has parental responsibility for him;
  - (b) his being lost or having been abandoned; or
  - (c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.
- (2) Where a local authority provide accommodation under subsection (1) for a child who is ordinarily resident in the area of another local authority, that other local authority may take over the provision of accommodation for the child within—
- (a) three months of being notified in writing that the child is being provided with accommodation; or
  - (b) such other longer period as may be prescribed.
- (3) Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.
- (4) A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child’s welfare.
- (5) A local authority may provide accommodation for any person who has reached the age of sixteen but is under twenty-one in any community home which takes children who have reached the age of sixteen if they consider that to do so would safeguard or promote his welfare.
- (6) Before providing accommodation under this section, a local authority shall, so far as is reasonably practicable and consistent with the child’s welfare—
- (a) ascertain the child’s wishes regarding the provision of accommodation; and
  - (b) give due consideration (having regard to his age and understanding) to such wishes of the child as they have been able to ascertain.
- (7) A local authority may not provide accommodation under this section for any child if any person who—
- (a) has parental responsibility for him; and
  - (b) is willing and able to—

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- (i) provide accommodation for him; or
  - (ii) arrange for accommodation to be provided for him,objects.
- (8) Any person who has parental responsibility for a child may at any time remove the child from accommodation provided by or on behalf of the local authority under this section.
- (9) Subsections (7) and (8) do not apply while any person—
  - (a) in whose favour a residence order is in force with respect to the child; or
  - (b) who has care of the child by virtue of an order made in the exercise of the High Court's inherent jurisdiction with respect to children,agrees to the child being looked after in accommodation provided by or on behalf of the local authority.
- (10) Where there is more than one such person as is mentioned in subsection (9), all of them must agree.
- (11) Subsections (7) and (8) do not apply where a child who has reached the age of sixteen agrees to being provided with accommodation under this section.

## **21 Provision of accommodation for children in police protection or detention or on remand, etc**

- (1) Every local authority shall make provision for the reception and accommodation of children who are removed or kept away from home under Part V.
- (2) Every local authority shall receive, and provide accommodation for, children—
  - (a) in police protection whom they are requested to receive under section 46(3)(f);
  - (b) whom they are requested to receive under section 38(6) of the Police and Criminal Evidence Act 1984;
  - (c) who are—
    - (i) on remand under section 23(1) of the Children and Young Persons Act 1969; or
    - (ii) the subject of a supervision order imposing a residence requirement under section 12AA of that Act,and with respect to whom they are the designated authority.
- (3) Where a child has been—
  - (a) removed under Part V; or
  - (b) detained under section 38 of the Police and Criminal Evidence Act 1984,and he is not being provided with accommodation by a local authority or in a hospital vested in the Secretary of State, any reasonable expenses of accommodating him shall be recoverable from the local authority in whose area he is ordinarily resident.

*Duties of local authorities in relation to children looked after by them*

## **22 General duty of local authority in relation to children looked after by them**

- (1) In this Act, any reference to a child who is looked after by a local authority is a reference to a child who is—

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- (a) in their care; or
  - (b) provided with accommodation by the authority in the exercise of any functions (in particular those under this Act) which stand referred to their social services committee under the Local Authority Social Services Act 1970.
- (2) In subsection (1) “accommodation” means accommodation which is provided for a continuous period of more than 24 hours.
- (3) It shall be the duty of a local authority looking after any child—
- (a) to safeguard and promote his welfare; and
  - (b) to make such use of services available for children cared for by their own parents as appears to the authority reasonable in his case.
- (4) Before making any decision with respect to a child whom they are looking after, or proposing to look after, a local authority shall, so far as is reasonably practicable, ascertain the wishes and feelings of—
- (a) the child;
  - (b) his parents;
  - (c) any person who is not a parent of his but who has parental responsibility for him; and
  - (d) any other person whose wishes and feelings the authority consider to be relevant,
- regarding the matter to be decided.
- (5) In making any such decision a local authority shall give due consideration—
- (a) having regard to his age and understanding, to such wishes and feelings of the child as they have been able to ascertain;
  - (b) to such wishes and feelings of any person mentioned in subsection (4)(b) to (d) as they have been able to ascertain; and
  - (c) to the child’s religious persuasion, racial origin and cultural and linguistic background.
- (6) If it appears to a local authority that it is necessary, for the purpose of protecting members of the public from serious injury, to exercise their powers with respect to a child whom they are looking after in a manner which may not be consistent with their duties under this section, they may do so.
- (7) If the Secretary of State considers it necessary, for the purpose of protecting members of the public from serious injury, to give directions to a local authority with respect to the exercise of their powers with respect to a child whom they are looking after, he may give such directions to the authority.
- (8) Where any such directions are given to an authority they shall comply with them even though doing so is inconsistent with their duties under this section.

## **23 Provision of accommodation and maintenance by local authority for children whom they are looking after**

- (1) It shall be the duty of any local authority looking after a child—
- (a) when he is in their care, to provide accommodation for him; and
  - (b) to maintain him in other respects apart from providing accommodation for him.

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- (2) A local authority shall provide accommodation and maintenance for any child whom they are looking after by—
- (a) placing him (subject to subsection (5) and any regulations made by the Secretary of State) with—
    - (i) a family;
    - (ii) a relative of his; or
    - (iii) any other suitable person,on such terms as to payment by the authority and otherwise as the authority may determine;
  - (b) maintaining him in a community home;
  - (c) maintaining him in a voluntary home;
  - (d) maintaining him in a registered children's home;
  - (e) maintaining him in a home provided by the Secretary of State under section 82(5) on such terms as the Secretary of State may from time to time determine; or
  - (f) making such other arrangements as—
    - (i) seem appropriate to them; and
    - (ii) comply with any regulations made by the Secretary of State.
- (3) Any person with whom a child has been placed under subsection (2)(a) is referred to in this Act as a local authority foster parent unless he falls within subsection (4).
- (4) A person falls within this subsection if he is—
- (a) a parent of the child;
  - (b) a person who is not a parent of the child but who has parental responsibility for him; or
  - (c) where the child is in care and there was a residence order in force with respect to him immediately before the care order was made, a person in whose favour the residence order was made.
- (5) Where a child is in the care of a local authority, the authority may only allow him to live with a person who falls within subsection (4) in accordance with regulations made by the Secretary of State.
- (6) Subject to any regulations made by the Secretary of State for the purposes of this subsection, any local authority looking after a child shall make arrangements to enable him to live with—
- (a) a person falling within subsection (4); or
  - (b) a relative, friend or other person connected with him,
- unless that would not be reasonably practicable or consistent with his welfare.
- (7) Where a local authority provide accommodation for a child whom they are looking after, they shall, subject to the provisions of this Part and so far as is reasonably practicable and consistent with his welfare, secure that—
- (a) the accommodation is near his home; and
  - (b) where the authority are also providing accommodation for a sibling of his, they are accommodated together.
- (8) Where a local authority provide accommodation for a child whom they are looking after and who is disabled, they shall, so far as is reasonably practicable, secure that the accommodation is not unsuitable to his particular needs.

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- (9) Part II of Schedule 2 shall have effect for the purposes of making further provision as to children looked after by local authorities and in particular as to the regulations that may be made under subsections (2)(a) and (f) and (5).

*Advice and assistance for certain children*

**24 Advice and assistance for certain children**

- (1) Where a child is being looked after by a local authority, it shall be the duty of the authority to advise, assist and befriend him with a view to promoting his welfare when he ceases to be looked after by them.
- (2) In this Part “a person qualifying for advice and assistance” means a person within the area of the authority who is under twenty-one and who was, at any time after reaching the age of sixteen but while still a child—
- (a) looked after by a local authority;
  - (b) accommodated by or on behalf of a voluntary organisation;
  - (c) accommodated in a registered children’s home;
  - (d) accommodated—
    - (i) by any health authority or local education authority; or
    - (ii) in any residential care home, nursing home or mental nursing home, for a consecutive period of at least three months; or
  - (e) privately fostered,
- but who is no longer so looked after, accommodated or fostered.
- (3) Subsection (2)(d) applies even if the period of three months mentioned there began before the child reached the age of sixteen.
- (4) Where—
- (a) a local authority know that there is within their area a person qualifying for advice and assistance;
  - (b) the conditions in subsection (5) are satisfied; and
  - (c) that person has asked them for help of a kind which they can give under this section,
- they shall (if he was being looked after by a local authority or was accommodated by or on behalf of a voluntary organisation) and may (in any other case) advise and befriend him.
- (5) The conditions are that—
- (a) it appears to the authority that the person concerned is in need of advice and being befriended;
  - (b) where that person was not being looked after by the authority, they are satisfied that the person by whom he was being looked after does not have the necessary facilities for advising or befriending him.
- (6) Where as a result of this section a local authority are under a duty, or are empowered, to advise and befriend a person, they may also give him assistance.
- (7) Assistance given under subsections (1) to (6) may be in kind or, in exceptional circumstances, in cash.



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- (8) A local authority may give assistance to any person who qualifies for advice and assistance by virtue of subsection (2)(a) by—
- (a) contributing to expenses incurred by him in living near the place where he is, or will be—
    - (i) employed or seeking employment; or
    - (ii) receiving education or training; or
  - (b) making a grant to enable him to meet expenses connected with his education or training.
- (9) Where a local authority are assisting the person under subsection (8) by making a contribution or grant with respect to a course of education or training, they may—
- (a) continue to do so even though he reaches the age of twenty-one before completing the course; and
  - (b) disregard any interruption in his attendance on the course if he resumes it as soon as is reasonably practicable.
- (10) Subsections (7) to (9) of section 17 shall apply in relation to assistance given under this section (otherwise than under subsection (8)) as they apply in relation to assistance given under that section.
- (11) Where it appears to a local authority that a person whom they have been advising and befriending under this section, as a person qualifying for advice and assistance, proposes to live, or is living, in the area of another local authority, they shall inform that other local authority.
- (12) Where a child who is accommodated—
- (a) by a voluntary organisation or in a registered children’s home;
  - (b) by any health authority or local education authority; or
  - (c) in any residential care home, nursing home or mental nursing home,
- ceases to be so accommodated, after reaching the age of sixteen, the organisation, authority or (as the case may be) person carrying on the home shall inform the local authority within whose area the child proposes to live.
- (13) Subsection (12) only applies, by virtue of paragraph (b) or (c), if the accommodation has been provided for a consecutive period of at least three months.

### *Secure accommodation*

## **25 Use of accommodation for restricting liberty**

- (1) Subject to the following provisions of this section, a child who is being looked after by a local authority may not be placed, and, if placed, may not be kept, in accommodation provided for the purpose of restricting liberty (“secure accommodation”) unless it appears—
- (a) that—
    - (i) he has a history of absconding and is likely to abscond from any other description of accommodation; and
    - (ii) if he absconds, he is likely to suffer significant harm; or
  - (b) that if he is kept in any other description of accommodation he is likely to injure himself or other persons.

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- (2) The Secretary of State may by regulations—
- (a) specify a maximum period—
    - (i) beyond which a child may not be kept in secure accommodation without the authority of the court; and
    - (ii) for which the court may authorise a child to be kept in secure accommodation;
  - (b) empower the court from time to time to authorise a child to be kept in secure accommodation for such further period as the regulations may specify; and
  - (c) provide that applications to the court under this section shall be made only by local authorities.
- (3) It shall be the duty of a court hearing an application under this section to determine whether any relevant criteria for keeping a child in secure accommodation are satisfied in his case.
- (4) If a court determines that any such criteria are satisfied, it shall make an order authorising the child to be kept in secure accommodation and specifying the maximum period for which he may be so kept.
- (5) On any adjournment of the hearing of an application under this section, a court may make an interim order permitting the child to be kept during the period of the adjournment in secure accommodation.
- (6) No court shall exercise the powers conferred by this section in respect of a child who is not legally represented in that court unless, having been informed of his right to apply for legal aid and having had the opportunity to do so, he refused or failed to apply.
- (7) The Secretary of State may by regulations provide that—
- (a) this section shall or shall not apply to any description of children specified in the regulations;
  - (b) this section shall have effect in relation to children of a description specified in the regulations subject to such modifications as may be so specified;
  - (c) such other provisions as may be so specified shall have effect for the purpose of determining whether a child of a description specified in the regulations may be placed or kept in secure accommodation.
- (8) The giving of an authorisation under this section shall not prejudice any power of any court in England and Wales or Scotland to give directions relating to the child to whom the authorisation relates.
- (9) This section is subject to section 20(8).

### *Supplemental*

## **26 Review of cases and enquiries into representations**

- (1) The Secretary of State may make regulations requiring the case of each child who is being looked after by a local authority to be reviewed in accordance with the provisions of the regulations.
- (2) The regulations may, in particular, make provision—
- (a) as to the manner in which each case is to be reviewed;

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- (b) as to the considerations to which the local authority are to have regard in reviewing each case;
  - (c) as to the time when each case is first to be reviewed and the frequency of subsequent reviews;
  - (d) requiring the authority, before conducting any review, to seek the views of—
    - (i) the child;
    - (ii) his parents;
    - (iii) any person who is not a parent of his but who has parental responsibility for him; and
    - (iv) any other person whose views the authority consider to be relevant, including, in particular, the views of those persons in relation to any particular matter which is to be considered in the course of the review;
  - (e) requiring the authority to consider, in the case of a child who is in their care, whether an application should be made to discharge the care order;
  - (f) requiring the authority to consider, in the case of a child in accommodation provided by the authority, whether the accommodation accords with the requirements of this Part;
  - (g) requiring the authority to inform the child, so far as is reasonably practicable, of any steps he may take under this Act;
  - (h) requiring the authority to make arrangements, including arrangements with such other bodies providing services as it considers appropriate, to implement any decision which they propose to make in the course, or as a result, of the review;
  - (i) requiring the authority to notify details of the result of the review and of any decision taken by them in consequence of the review to—
    - (i) the child;
    - (ii) his parents;
    - (iii) any person who is not a parent of his but who has parental responsibility for him; and
    - (iv) any other person whom they consider ought to be notified;
  - (j) requiring the authority to monitor the arrangements which they have made with a view to ensuring that they comply with the regulations.
- (3) Every local authority shall establish a procedure for considering any representations (including any complaint) made to them by—
- (a) any child who is being looked after by them or who is not being looked after by them but is in need;
  - (b) a parent of his;
  - (c) any person who is not a parent of his but who has parental responsibility for him;
  - (d) any local authority foster parent;
  - (e) such other person as the authority consider has a sufficient interest in the child's welfare to warrant his representations being considered by them,
- about the discharge by the authority of any of their functions under this Part in relation to the child.
- (4) The procedure shall ensure that at least one person who is not a member or officer of the authority takes part in—
- (a) the consideration; and

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- (b) any discussions which are held by the authority about the action (if any) to be taken in relation to the child in the light of the consideration.
- (5) In carrying out any consideration of representations under this section a local authority shall comply with any regulations made by the Secretary of State for the purpose of regulating the procedure to be followed.
- (6) The Secretary of State may make regulations requiring local authorities to monitor the arrangements that they have made with a view to ensuring that they comply with any regulations made for the purposes of subsection (5).
- (7) Where any representation has been considered under the procedure established by a local authority under this section, the authority shall—
  - (a) have due regard to the findings of those considering the representation; and
  - (b) take such steps as are reasonably practicable to notify (in writing)—
    - (i) the person making the representation;
    - (ii) the child (if they authority consider that he has sufficient understanding); and
    - (iii) such other persons (if any) as appear to the authority to be likely to be affected,
 of the authority's decision in the matter and their reasons for taking that decision and of any action which they have taken, or propose to take.
- (8) Every local authority shall give such publicity to their procedure for considering representations under this section as they consider appropriate.

## **27 Co-operation between authorities**

- (1) Where it appears to a local authority that any authority or other person mentioned in subsection (3) could, by taking any specified action, help in the exercise of any of their functions under this Part, they may request the help of that other authority or person, specifying the action in question.
- (2) An authority whose help is so requested shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions.
- (3) The persons are—
  - (a) any local authority,
  - (b) any local education authority;
  - (c) any local housing authority;
  - (d) any health authority; and
  - (e) any person authorised by the Secretary of State for the purposes of this section.
- (4) Every local authority shall assist any local education authority with the provision of services for any child within the local authority's area who has special educational needs.

## **28 Consultation with local education authorities**

- (1) Where—
  - (a) a child is being looked after by a local authority; and

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- (b) the authority propose to provide accommodation for him in an establishment at which education is provided for children who are accommodated there, they shall, so far as is reasonably practicable, consult the appropriate local education authority before doing so.
- (2) Where any such proposal is carried out, the local authority shall, as soon as is reasonably practicable, inform the appropriate local education authority of the arrangements that have been made for the child's accommodation.
- (3) Where the child ceases to be accommodated as mentioned in subsection (1)(b), the local authority shall inform the appropriate local education authority.
- (4) In this section “the appropriate local education authority” means—
  - (a) the local education authority within whose area the local authority's area falls; or,
  - (b) where the child has special educational needs and a statement of his needs is maintained under the Education Act 1981, the local education authority who maintain the statement.

## **29 Recoupment of cost of providing services etc**

- (1) Where a local authority provide any service under section 17 or 18, other than advice, guidance or counselling, they may recover from a person specified in subsection (4) such charge for the service as they consider reasonable.
- (2) Where the authority are satisfied that that person's means are insufficient for it to be reasonably practicable for him to pay the charge, they shall not require him to pay more than he can reasonably be expected to pay.
- (3) No person shall be liable to pay any charge under section (1) at any time when he is in receipt of income support or family credit under the Social Security Act 1986.
- (4) The persons are—
  - (a) where the service is provided for a child under sixteen, each of his parents;
  - (b) where it is provided for a child who has reached the age of sixteen, the child himself; and
  - (c) where it is provided for a member of the child's family, that member.
- (5) Any charge under subsection (1) may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.
- (6) Part III of Schedule 2 makes provision in connection with contributions towards the maintenance of children who are being looked after by local authorities and consists of the re-enactment with modifications of provisions in Part V of the Child Care Act 1980.
- (7) Where a local authority provide any accommodation under section 20(1) for a child who was (immediately before they began to look after him) ordinarily resident within the area of another local authority, they may recover from that other authority any reasonable expenses incurred by them in providing the accommodation and maintaining him.
- (8) Where a local authority provide accommodation under section 21(1) or (2)(a) or (b) for a child who is ordinarily resident within the area of another local authority and they are not maintaining him in—

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- (a) a community home provided by them;
- (b) a controlled community home; or
- (c) a hospital vested in the Secretary of State,

they may recover from that other authority any reasonable expenses incurred by them in providing the accommodation and maintaining him.

- (9) Where a local authority comply with any request under section 27(2) in relation to a child or other person who is not ordinarily resident within their area, they may recover from the local authority in whose area the child or person is ordinarily resident any expenses reasonably incurred by them in respect of that person.

### **30 Miscellaneous**

- (1) Nothing in this Part shall affect any duty imposed on a local authority by or under any other enactment.
- (2) Any question arising under section 20(2), 21(3) or 29(7) to (9) as to the ordinary residence of a child shall be determined by agreement between the local authorities concerned or, in default of agreement, by the Secretary of State.
- (3) Where the functions conferred on a local authority by this Part and the functions of a local education authority are concurrent, the Secretary of State may by regulations provide by which authority the functions are to be exercised.
- (4) The Secretary of State may make regulations for determining, as respects any local education authority functions specified in the regulations, whether a child who is being looked after by a local authority is to be treated, for purposes so specified, as a child of parents of sufficient resources or as a child of parents without resources.