



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 3

#### CHILDREN AND YOUNG PEOPLE IN ENGLAND WITH SPECIAL EDUCATIONAL NEEDS OR DISABILITIES

##### *Detained persons*

#### **70 Application of Part to detained persons**

- (1) Subject to this section and sections 71 to 75, nothing in or made under this Part applies to, or in relation to, a child or young person detained in pursuance of—
  - (a) an order made by a court, or
  - (b) an order of recall made by the Secretary of State.
- (2) Subsection (1) does not apply to—
  - (a) section 28;
  - (b) section 31;
  - (c) section 77;
  - (d) section 80;
  - (e) section 83;
  - (f) any amendment made by this Part of a provision which applies to, or in relation to, a child or young person detained in pursuance of—
    - (i) an order made by a court, or
    - (ii) an order of recall made by the Secretary of State.
- (3) Regulations may apply any provision of this Part, with or without modifications, to or in relation to a child or young person detained in pursuance of—
  - (a) an order made by a court, or
  - (b) an order of recall made by the Secretary of State.

*Changes to legislation: There are currently no known outstanding effects for the  
 Children and Families Act 2014, Section 70. (See end of Document for details)*

- (4) The Secretary of State must consult the Welsh Ministers before making regulations under subsection (3) which will apply any provision of this Part to, or in relation to, a child or young person who is detained in Wales.
- (5) For the purposes of this Part—
- “appropriate person”, in relation to a detained person, means—
- (a) where the detained person is a child, the detained person's parent, or
- (b) where the detained person is a young person, the detained person;
- “detained person” means a child or young person who is—
- (a) 18 or under,
- (b) subject to a detention order (within the meaning of section 562(1A)(a) of EA 1996), and
- (c) detained in relevant youth accommodation,
- and in provisions applying on a person's release, includes a person who, immediately before release, was a detained person;
- “detained person's EHC needs assessment” means an assessment of what the education, health care and social care needs of a detained person will be on his or her release from detention;
- “relevant youth accommodation” has the same meaning as in section 562(1A)(b) of EA 1996, save that it does not include relevant youth accommodation which is not in England.
- (6) For the purposes of this Part—
- (a) “beginning of the detention” has the same meaning as in Chapter 5A of Part 10 of EA 1996 (persons detained in youth accommodation), and
- (b) “the home authority” has the same meaning as in that Chapter, subject to regulations under subsection (7) (and regulations under section 562J(4) of EA 1996 made by the Secretary of State may also make provision in relation to the definition of “the home authority” for the purposes of this Part).
- (7) For the purposes of this Part, regulations may provide for paragraph (a) of the definition of “the home authority” in section 562J(1) of EA 1996 (the home authority of a looked after child) to apply with modifications in relation to such provisions of this Part as may be specified in the regulations.

**Modifications etc. (not altering text)**

- C1** S. 70(5) modified (1.9.2014) by [The Special Educational Needs and Disability Regulations 2014 \(S.I. 2014/1530\)](#), regs. 1, 64(1)(b), 64(2), **Sch. 3 Pt. 2**

**Commencement Information**

- I1** S. 70(1) in force at 1.9.2014 for specified purposes by [S.I. 2014/889](#), **art. 7(a)** (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#) and (1.9.2015) by [S.I. 2015/1619](#)))
- I2** S. 70(1) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/375](#), **art. 2(a)**
- I3** S. 70(2)-(7) in force at 1.4.2015 by [S.I. 2015/375](#), **art. 2(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Families Act 2014, Section 70.