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STATUTORY INSTRUMENTS

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**1995 No. 755**

**The Children (Northern Ireland) Order 1995**

**PART XVII**

**MISCELLANEOUS AND GENERAL**

*Effect and duration of orders, etc.*

**Effect and duration of orders, etc.**

**179.**—(1) The making of a residence order with respect to a child who is the subject of a care order discharges the care order.

(2) The making of a care order with respect to a child who is the subject of any Article 8 order discharges the Article 8 order.

(3) The making of a care order with respect to a child who is the subject of a supervision order discharges the supervision order.

(4) The making of a care order with respect to a child who is a ward of court brings that wardship to an end.

(5) The making of a care order with respect to a child who is the subject of a school attendance order made under Part I of Schedule 13 to the Education and Libraries (Northern Ireland) Order 1986<sup>F1</sup> discharges the school attendance order.

(6) Where an emergency protection order is made with respect to a child who is in care, the care order shall have effect subject to the emergency protection order.

(7) Any order made under Article 7(1) [<sup>F2</sup>, (1ZA)]<sup>F3</sup> or (1A)] or 159(1) shall continue in force until the child reaches the age of 18, unless it is brought to an end earlier.

(8) Any—

(a) agreement under Article 7; or

(b) appointment under Article 160(1) or (2),

shall continue in force until the child reaches the age of 18, unless it is brought to an end earlier.

(9) An order under Schedule 1 has effect as specified in that Schedule.

(10) An Article 8 order shall, if it would otherwise still be in force, cease to have effect when the child reaches the age of 16, unless it is to have effect beyond that age by virtue of Article 9(6).

(11) Where an Article 8 order has effect with respect to a child who has reached the age of 16, it shall, if it would otherwise still be in force, cease to have effect when he reaches the age of 18.

(12) Any care order, other than an interim care order, shall continue in force until the child reaches the age of 18, unless it is brought to an end earlier.

(13) Any order made by a court under any other provision of this Order in relation to a child shall, if it would otherwise still be in force, cease to have effect when he reaches the age of 18.

**Status:** Point in time view as at 06/04/2009.

**Changes to legislation:** The Children (Northern Ireland) Order 1995, Cross Heading: Effect and duration of orders, etc. is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(14) On disposing of any application for an order under this Order, the court may (whether or not it makes any other order in response to the application) order that no application for an order under this Order of any specified kind may be made with respect to the child concerned by any person named in the order without leave of the court.

(15) Where an application (“the previous application”) has been made for—

- (a) the discharge of a care order;
- (b) the discharge of a supervision order;
- (c) the discharge of an education supervision order;
- (d) the substitution of a supervision order for a care order; or
- (e) a child assessment order,

no further application of a kind mentioned in sub-paragraphs (a) to (e) may be made with respect to the child concerned, without leave of the court, unless the period between the disposal of the previous application and the making of the further application exceeds six months.

(16) Paragraph (15) does not apply to applications made in relation to interim orders.

(17) Where—

- (a) a person has made an application for an order under Article 53;
- (b) the application has been refused; and
- (c) a period of less than six months has elapsed since the refusal,

that person may not make a further application for such an order with respect to the same child, unless he has obtained the leave of the court.

**F1** 1986 NI 3

**F2** Words in art. 179(7) inserted (6.4.2009 for certain purposes otherwise 1.9.2009) by Human Fertilisation and Embryology Act 2008 (c. 22), ss. 56, 68(2), **Sch. 6 para. 76**; S.I. 2009/479, **art. 6(1)(e)(f)(2)** (with transitional provisions in art.7, Sch. 1)

**F3** 2001 c. 12 (NI)

## The Isle of Man and the Channel Islands

**180.**—(1) Where a child who is in the care of an authority is lawfully taken to live in the Isle of Man or any of the Channel Islands, the care order in question shall cease to have effect if the prescribed conditions are satisfied.

(2) The Department may make regulations providing for prescribed orders which—

- (a) are made by a court in the Isle of Man or in any of the Channel Islands; and
- (b) appear to the Department to correspond in their effect to orders which may be made under this Order,

to have effect in prescribed circumstances for prescribed purposes of this Order as if they were orders of a prescribed kind made under this Order.

**Status:**

Point in time view as at 06/04/2009.

**Changes to legislation:**

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