

These notes refer to the Children (Emergency Protection Orders) Act (Northern Ireland) 2007 (c.3) which received Royal Assent on 14 December 2007

Children (Emergency Protection Orders) Act (Northern Ireland) 2007

EXPLANATORY NOTES

BACKGROUND AND POLICY OBJECTIVES

3. The effect of an Emergency Protection Order (“EPO”) is to give parental responsibility to the applicant (usually a Health and Social Care Trust) in addition to the parents. The Order may direct that the child be removed or kept where he is, and the court may give directions about medical examinations or assessment and contact.
4. An EPO may only last up to a maximum of 8 days but can be extended for up to a maximum of 7 further days. It cannot be extended beyond that. Once an EPO is made there are provisions to deal with its discharge. An application to discharge can be made as soon as the EPO is made but, under Article 64 (8) of the Children (Northern Ireland) Order 1995, the application could not be heard until the expiry of the 72 hours from the making of the Order.
5. On a recent judicial review, the High Court determined that Article 64(8) is incompatible with Articles 6 and 8 of the European Convention of Human Rights (“ECHR”) pursuant to Section 3 of the Human Rights Act 1998.
6. On considering that decision, the Minister for Health, Social Services and Public Safety decided to introduce legislation to remove the incompatibility. This Act repeals Article 64(8) which means that in future an application to discharge an EPO can be heard at any time after it is made.