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STATUTORY INSTRUMENTS

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**1995 No. 755**

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

**PART XIII**

**DEPARTMENT'S SUPERVISORY FUNCTIONS AND RESPONSIBILITIES**

**Inspection of children's homes, etc., by Department**

**149.**—(1) The Department may cause to be inspected—

- (a) any children's home;
- (b) any premises in which a child who is being looked after by an authority is living;
- (c) any premises in which a child who is being accommodated by or on behalf of [<sup>F1</sup>the Education Authority] or voluntary organisation is living;
- (d) any premises in which a privately fostered child, or child who is treated as a foster child by virtue of Article 114 (application of Part X to certain school children during holidays), is living or in which it is proposed that he will live;
- (e) any premises on which any person is acting as a child minder;
- (f) any premises with respect to which a person is registered under Article 118(1)(b) (day care);
- (g) any of the following if used to accommodate children—
  - (i) a residential care home,
  - (ii) a nursing home,
  - (iii) a hospital (including a private hospital);
- (h) any premises which are provided by an authority and in which any service is provided by that authority under Part IV;
- (i) any school providing accommodation for any child.

(2) An inspection under this Article shall be conducted by a person authorised to do so by the Department.

(3) An officer of an authority shall not be so authorised except with the consent of that authority.

(4) The Department may require any person mentioned in paragraph (5) to furnish the Department with such information, or allow any person authorised by the Department to inspect such records (in whatever form they are held), relating to—

- (a) any premises to which paragraph (1) applies;
- (b) any child who is living in any such premises;
- (c) any person who is living in or is employed in any such premises;
- (d) the discharge by the Department of any of its functions under this Order; or
- (e) the discharge by any authority of any of its functions under this Order,

as the Department may at any time direct.

**Status:** Point in time view as at 01/04/2022.

**Changes to legislation:** The Children (Northern Ireland) Order 1995, Section 149 is up to date with all changes known to be in force on or before 30 June 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)

- (5) The persons are—
- (a) any <sup>F2</sup>... [<sup>F3</sup>Health and Social Care trust];
  - (b) any voluntary organisation;
  - (c) any person carrying on a children's home;
  - (d) any managers of a school;
  - (e) any person fostering any privately fostered child or providing accommodation for a child on behalf of an authority, [<sup>F4</sup>the Education Authority] or a voluntary organisation;
  - (f) [<sup>F5</sup>the Education Authority if it is] providing accommodation for any child;
  - (g) any person employed in a school at which a child is accommodated by or on behalf of an authority or [<sup>F6</sup>the Education Authority] ;
  - (h) any person who is the occupier of any premises in which any person acts as a child minder (within the meaning of Part XI) or provides day care for young children (within the meaning of that Part);
  - (i) any person carrying on any home or hospital of a kind mentioned in paragraph (1)(g).
  - [<sup>F7</sup>(j) any person carrying on a fostering agency (within the meaning of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003)]

- F1** Words in art. 149(1)(c) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 14(23)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F2** Words in art. 149(5)(a) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 163**; S.R. 2022/102, art. 2(b)
- F3** Words in art. 149(5)(a) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(c)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**
- F4** Words in art. 149(5)(e) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 14(23)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F5** Words in art. 149(5)(f) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 14(24)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F6** Words in art. 149(5)(g) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 14(23)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F7** Art. 149(5)(j) added (3.10.2016) by Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)), art. 1(3), **Sch. 4**; S.R. 2016/355, **art. 2** (with art. 3)

**Status:**

Point in time view as at 01/04/2022.

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