
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART VI

PROTECTION OF CHILDREN

Child assessment orders

62.—(1) On the application of an authority or an authorised person for an order to be made under this Article with respect to a child, the court may make the order if, but only if, it is satisfied that—

- (a) the applicant has reasonable cause to suspect that the child is suffering, or is likely to suffer, significant harm;
- (b) an assessment of the state of the child's health or development, or of the way in which he has been treated, is required to enable the applicant to determine whether or not the child is suffering, or is likely to suffer, significant harm; and
- (c) it is unlikely that such an assessment will be made, or be satisfactory, in the absence of an order under this Article.

(2) In this Order “child assessment order” means an order under this Article.

(3) A court may treat an application under this Article as an application for an emergency protection order.

(4) No court shall make a child assessment order if it is satisfied—

- (a) that there are grounds for making an emergency protection order with respect to the child; and
- (b) that it ought to make such an order rather than a child assessment order.

(5) A child assessment order shall—

- (a) specify the date by which the assessment is to begin; and
- (b) have effect for such period, not exceeding seven days beginning with that date, as may be specified in the order.

(6) Where a child assessment order is in force with respect to a child it shall be the duty of any person who is in a position to produce the child—

- (a) to produce him to such person as may be named in the order; and
- (b) to comply with such directions relating to the assessment of the child as the court thinks fit to specify in the order.

(7) A child assessment order authorises any person carrying out the assessment, or any part of the assessment, to do so in accordance with the terms of the order.

(8) Regardless of paragraph (7), if the child is of sufficient understanding to make an informed decision he may refuse to submit to a medical or psychiatric examination or other assessment.

(9) The child may only be kept away from home—

- (a) in accordance with directions specified in the order;

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- (b) if it is necessary for the purposes of the assessment; and
- (c) for such period or periods as may be specified in the order.

(10) Where the child is to be kept away from home, the order shall contain such directions as the court thinks fit with regard to the contact that he must be allowed to have with other persons while away from home.

(11) Any person making an application for a child assessment order shall take such steps as are reasonably practicable to ensure that notice of the application is given to—

- (a) the child's parents;
- (b) any person who is not a parent of his but who has parental responsibility for him;
- (c) any other person caring for the child;
- (d) any person in whose favour a contact order is in force with respect to the child;
- (e) any person who is allowed to have contact with the child by virtue of an order under Article 53; and
- (f) the child,

before the hearing of the application.

(12) Rules of court may make provision as to the circumstances in which—

- (a) any of the persons mentioned in paragraph (11); or
- (b) such other person as may be specified in the rules,

may apply to the court for a child assessment order to be varied or discharged.

(13) In this Article “authorised person” means a person who is an authorised person for the purposes of Part V.

Orders for emergency protection of children

63.—(1) Where any person (“the applicant”) applies to the court for an order to be made under this Article with respect to a child, the court may make the order if, but only if, it is satisfied that—

- (a) there is reasonable cause to believe that the child is likely to suffer significant harm if—
 - (i) he is not removed to accommodation provided by or on behalf of the applicant; or
 - (ii) he does not remain in the place in which he is then being accommodated; or
- (b) in the case of an application made by an authority—
 - (i) inquiries are being made with respect to the child under Article 66(1)(b); and
 - (ii) those inquiries are being frustrated by access to the child being unreasonably refused to a person authorised to seek access and the applicant has reasonable cause to believe that access to the child is required as a matter of urgency; or
- (c) in the case of an application made by an authorised person—
 - (i) the applicant has reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm;
 - (ii) the applicant is making inquiries with respect to the child's welfare; and
 - (iii) those inquiries are being frustrated by access to the child being unreasonably refused to a person authorised to seek access and the applicant has reasonable cause to believe that access to the child is required as a matter of urgency.

(2) In this Article—

- (a) “authorised person” means a person who is an authorised person for the purposes of Part V; and

- (b) “person authorised to seek access” means—
- (i) in the case of an application by an authority, an officer of the authority or a person authorised by the authority to act on its behalf in connection with the inquiries; or
 - (ii) in the case of an application by an authorised person, that person.
- (3) Any person—
- (a) seeking access to a child in connection with inquiries of a kind mentioned in paragraph (1); and
 - (b) purporting to be a person authorised to do so,
- shall, on being asked to do so, produce some duly authenticated document as evidence that he is such a person.
- (4) While an order under this Article (an “emergency protection order”) is in force it—
- (a) operates as a direction to any person who is in a position to do so to comply with any request to produce the child to the applicant;
 - (b) authorises—
 - (i) the removal of the child at any time to accommodation provided by or on behalf of the applicant and his being kept there; or
 - (ii) the prevention of the child's removal from any hospital, or other place, in which he was being accommodated immediately before the making of the order; and
 - (c) gives the applicant parental responsibility for the child.
- (5) Where an emergency protection order is in force with respect to a child, the applicant—
- (a) shall only exercise the power given by virtue of paragraph (4)(b) in order to safeguard the welfare of the child;
 - (b) shall take, and shall only take, such action in meeting his parental responsibility for the child as is reasonably required to safeguard or promote the welfare of the child (having regard in particular to the duration of the order); and
 - (c) shall comply with the requirements of any regulations made by the Department for the purposes of this paragraph.
- (6) Where the court makes an emergency protection order, it may give such directions (if any) as it considers appropriate with respect to—
- (a) the contact which is, or is not, to be allowed between the child and any named person;
 - (b) the medical or psychiatric examination or other assessment of the child.
- (7) Where any direction is given under paragraph (6)(b), the child may, if he is of sufficient understanding to make an informed decision, refuse to submit to the examination or other assessment.
- (8) A direction under paragraph (6)(a) may impose conditions and one under paragraph (6)(b) may be to the effect that there is to be—
- (a) no such examination or assessment; or
 - (b) no such examination or assessment unless the court directs otherwise.
- (9) A direction under paragraph (6) may be—
- (a) given when the emergency protection order is made or at any time while it is in force; and
 - (b) varied at any time on the application of any person falling within any class of person prescribed by rules of court for the purposes of this paragraph.
- (10) Where an emergency protection order is in force with respect to a child and—

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(a) the applicant has exercised the power given by paragraph (4)(b)(i) but it appears to him that it is safe for the child to be returned; or

(b) the applicant has exercised the power given by paragraph (4)(b)(ii) but it appears to him that it is safe for the child to be allowed to be removed from the place in question,

he shall return the child or (as the case may be) allow him to be removed.

(11) Where he is required by paragraph (10) to return the child the applicant shall—

- (a) return him to the care of the person from whose care he was removed; or
- (b) if that is not reasonably practicable, return him to the care of—
- (i) a parent of his;
 - (ii) any person who is not a parent of his but who has parental responsibility for him; or
 - (iii) such other person as the applicant (with the agreement of the court) considers appropriate.

(12) Where the applicant has been required by paragraph (10) to return the child, or to allow him to be removed, he may again exercise his powers with respect to the child (at any time while the emergency protection order remains in force) if it appears to him that a change in the circumstances of the case makes it necessary for him to do so.

(13) Where an emergency protection order has been made with respect to a child, the applicant shall, subject to any direction given under paragraph (6), allow the child reasonable contact with—

- (a) his parents;
- (b) any person who is not a parent of his but who has parental responsibility for him;
- (c) any person with whom he was living immediately before the making of the order;
- (d) any person in whose favour a contact order is in force with respect to him;
- (e) any person who is allowed to have contact with the child by virtue of an order under Article 53; and
- (f) any person acting on behalf of any of those persons.

(14) Wherever it is reasonably practicable to do so, an emergency protection order shall name the child; and where it does not name him it shall describe him as clearly as possible.

(15) A person shall be guilty of an offence if he intentionally obstructs any person exercising the power under paragraph (4)(b) to remove, or prevent the removal of, a child.

(16) A person guilty of an offence under paragraph (15) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[^{F1}Power to include exclusion requirement in emergency protection order

63A.—(1) Where—

- (a) on being satisfied as mentioned in Article 63(1)(a), (b) or (c), the court makes an emergency protection order with respect to a child, and
- (b) the conditions mentioned in paragraph (2) are satisfied,

the court may include an exclusion requirement in the emergency protection order.

(2) The conditions are—

- (a) that there is reasonable cause to believe that, if a person (“the relevant person”) is excluded from a dwelling-house in which the child lives, then—
 - (i) in the case of an order made on the ground mentioned in Article 63(1)(a), the child will not be likely to suffer significant harm, even though the child is not removed

- as mentioned in Article 63(1)(a)(i) or does not remain as mentioned in Article 63(1)(a)(ii), or
- (ii) in the case of an order made on the ground mentioned in sub-paragraph (b) or (c) of Article 63(1), the enquiries referred to in that sub-paragraph will cease to be frustrated, and
- (b) that another person (whether a parent of the child or some other person)—
- (i) is able and willing to live (or continue to live) in the dwelling-house and give to the child the care which it would be reasonable to expect a parent to give him, and
- (ii) consents to the inclusion of the exclusion requirement.
- (3) For the purposes of this Article an exclusion requirement is any one or more of the following—
- (a) a provision requiring the relevant person to leave a dwelling-house in which he is living with the child,
- (b) a provision prohibiting the relevant person from entering a dwelling-house in which the child lives, and
- (c) a provision excluding the relevant person from a defined area in which a dwelling-house in which the child lives is situated and any other defined area.
- (4) The court may provide that the exclusion requirement is to have effect for a shorter period than the other provisions of the order.
- (5) Any period specified for the purposes of paragraph (4) may be extended by the court (on one or more occasions) on an application to vary or discharge the emergency protection order.
- (6) If, while an emergency protection order containing an exclusion requirement is in force, the applicant has removed the child from the dwelling-house from which the relevant person is excluded to other accommodation for a continuous period of more than 24 hours, the order shall cease to have effect in so far as it imposes the exclusion requirement.]

F1 1998 NI 6

Duration of emergency protection orders and other supplementary provisions

64.—(1) An emergency protection order shall have effect for such period, not exceeding eight days, as may be specified in the order.

(2) Where an emergency protection order is made with respect to a child who is being kept in police protection under Article 65, the period of eight days mentioned in paragraph (1) shall begin with the first day on which he was taken into police protection under that Article.

(3) Any person who—

- (a) has parental responsibility for a child as the result of an emergency protection order; and
- (b) is entitled to apply for a care order with respect to the child,

may apply to the court for the period during which the emergency protection order is to have effect to be extended.

(4) On an application under paragraph (3) the court may extend the period during which the order is to have effect by such period, not exceeding seven days, as it thinks fit, but may do so only if it has reasonable cause to believe that the child concerned is likely to suffer significant harm if the order is not extended.

(5) An emergency protection order may only be extended once.

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(6) Regardless of any statutory provision or rule of law which would otherwise prevent it from doing so, a court hearing an application for, or with respect to, an emergency protection order may take account of—

- (a) any statement contained in any report made to the court in the course of, or in connection with, the hearing; or
- (b) any evidence given during the hearing,

which is, in the opinion of the court, relevant to the application.

(7) Any of the following may apply to the court for an emergency protection order to be discharged—

- (a) the child;
- (b) a parent of his;
- (c) any person who is not a parent of his but who has parental responsibility for him; or
- (d) any person with whom he was living immediately before the making of the order.

[^{F2}(7A) On the application of a person who is not entitled to apply for the order to be discharged, but who is a person to whom an exclusion requirement contained in the order applies, an emergency protection order may be varied or discharged by the court in so far as it imposes the exclusion requirement.]

(8) ^{F3}

(9) No appeal may be made against—

- (a) the making of, or refusal to make, an emergency protection order;
- (b) the extension of, or refusal to extend, the period during which such an order is to have effect;
- (c) the discharge of, or refusal to discharge, such an order; or
- (d) the giving of, or refusal to give, any direction in connection with such an order.

(10) Paragraph (7) does not apply—

- (a) where the person who would otherwise be entitled to apply for the emergency protection order to be discharged—
 - (i) was given notice (in accordance with rules of court) of the hearing at which the order was made; and
 - (ii) was present at that hearing; or
- (b) to any emergency protection order the effective period of which has been extended under paragraph (4).

(11) A court making an emergency protection order may direct that the applicant may, in exercising any powers which he has by virtue of the order, be accompanied by a medical practitioner, registered nurse or registered health visitor, if he so chooses.

(12) An emergency protection order may, notwithstanding section 7 of the Sunday Observance Act (Ireland) 1695^{F4}, be served and executed on a Sunday.

F2	1998 NI 6
F3	Art. 64(8) repealed (14.12.2007) by Children (Emergency Protection Orders) Act (Northern Ireland) 2007 (c. 3), ss. 1, 2(2)
F4	1695 c. 17 (I)

Removal and accommodation of children by police in cases of emergency

65.—(1) Where a constable has reasonable cause to believe that a child would otherwise be likely to suffer significant harm, he may—

- (a) remove the child to suitable accommodation and keep him there; or
- (b) take such steps as are reasonable to ensure that the child's removal from any hospital, or other place, in which he is then being accommodated is prevented.

(2) For the purposes of this Order, a child with respect to whom a constable has exercised his powers under this Article is referred to as having been taken into police protection.

(3) As soon as is reasonably practicable after taking a child into police protection, the constable shall secure that the case is inquired into by a designated officer.

(4) In this Article “designated officer” means a police officer designated for the purposes of this Article—

- (a) by the Chief Constable; or
- (b) by such other police officer as the Chief Constable may direct.

(5) As soon as is reasonably practicable after a child has been taken into police protection, the designated officer shall—

- (a) inform the authority within whose area the child was found of the steps that have been, and are proposed to be, taken with respect to the child under this Article and the reasons for taking them;
- (b) give details to the authority within whose area the child is ordinarily resident (“the appropriate authority”) of the place at which the child is being accommodated;
- (c) inform the child (if he appears capable of understanding)—
 - (i) of the steps that have been taken with respect to him under this Article and of the reasons for taking them; and
 - (ii) of the further steps that may be taken with respect to him under this Article;
- (d) take such steps as are reasonably practicable to discover the wishes and feelings of the child; and
- (e) where the child was taken into police protection by being removed to accommodation which is not provided—
 - (i) by or on behalf of an authority; or
 - (ii) as a refuge, in compliance with the requirements of Article 70,secure that he is moved to accommodation which is so provided.

(6) As soon as is reasonably practicable after a child has been taken into police protection, the designated officer shall take such steps as are reasonably practicable to inform—

- (a) the child's parents;
- (b) every person who is not a parent of his but who has parental responsibility for him; and
- (c) any other person with whom the child was living immediately before being taken into police protection,

of the steps that have been taken under this Article with respect to the child, the reasons for taking them and the further steps that may be taken with respect to him under this Article.

(7) On completing any inquiry under paragraph (3), the designated officer shall release the child from police protection unless he considers that there is still reasonable cause for believing that the child would be likely to suffer significant harm if released.

(8) No child may be kept in police protection for more than 72 hours.

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- (9) While a child is being kept in police protection—
- (a) neither the constable referred to in paragraph (1) nor the designated officer shall have parental responsibility for him; but
 - (b) the designated officer shall do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare (having regard in particular to the length of the period during which the child will be so protected).
- (10) Where a child has been taken into police protection, the designated officer shall allow—
- (a) the child's parents;
 - (b) any person who is not a parent of the child but who has parental responsibility for him;
 - (c) any person with whom the child was living immediately before he was taken into police protection;
 - (d) any person in whose favour a contact order is in force with respect to the child;
 - (e) any person who is allowed to have contact with the child by virtue of an order under Article 53; and
 - (f) any person acting on behalf of any of those persons,
- to have such contact (if any) with the child as, in the opinion of the designated officer, is both reasonable and in the child's best interests.

(11) Where a child who has been taken into police protection is in accommodation provided by, or on behalf of, the appropriate authority, paragraph (10) shall have effect as if it referred to the authority rather than to the designated officer.

Authority's duty to investigate

- 66.**—(1) Where an authority—
- (a) is informed that a child who lives, or is found, in the authority's area—
 - (i) is the subject of an emergency protection order; or
 - (ii) is in police protection; or
 - (b) has reasonable cause to suspect that a child who lives, or is found, in the authority's area is suffering, or is likely to suffer, significant harm,

the authority shall make, or cause to be made, such inquiries as it considers necessary to enable it to decide whether it should take any action to safeguard or promote the child's welfare.

(2) Where an authority has obtained an emergency protection order with respect to a child, the authority shall make, or cause to be made, such inquiries as it considers necessary to enable it to decide what action it should take to safeguard or promote the child's welfare.

- (3) The inquiries shall, in particular, be directed towards establishing—
- (a) whether the authority should make any application to the court, or exercise any of the authority's other powers under this Order, with respect to the child; and
 - (b) whether, in the case of a child—
 - (i) with respect to whom an emergency protection order has been made; and
 - (ii) who is not in accommodation provided by or on behalf of the authority, it would be in the child's best interests (while the emergency protection order remains in force) for him to be in such accommodation.

(4) Where inquiries are being made under paragraph (1) with respect to a child, the authority shall (with a view to enabling it to determine what action, if any, to take with respect to him) take such steps as are reasonably practicable—

- (a) to obtain access to him; or
- (b) to ensure that access to him is obtained, on the authority's behalf, by a person authorised by the authority for the purpose,

unless the authority is satisfied that it already has sufficient information with respect to the child.

(5) Where, as a result of any such inquiries, it appears to the authority that there are matters connected with the child's education which should be investigated, the authority shall consult [^{F5}the Education Authority] .

[^{F6}(5A) For the purposes of making a determination under this Article as to the action to be taken with respect to a child, an authority must, so far as is reasonably practicable and consistent with the child's welfare—

- (a) ascertain the child's wishes and feelings regarding the action to be taken with respect to the child; and
- (b) give due consideration (having regard to the child's age and understanding) to such wishes and feelings of the child as the authority has been able to ascertain.]

(6) Where, in the course of inquiries made under this Article, any officer of the authority or any person authorised by the authority to act on its behalf in connection with those inquiries—

- (a) is refused access to the child concerned; or
- (b) is denied information as to the child's whereabouts,

the authority shall apply for an emergency protection order, a child assessment order, a care order or a supervision order with respect to the child unless it is satisfied that his welfare can be satisfactorily safeguarded without the authority's doing so.

(7) If, on the conclusion of any inquiries or review made under this Article, the authority decides not to apply for an emergency protection order, a child assessment order, a care order or a supervision order the authority shall—

- (a) consider whether it would be appropriate to review the case at a later date; and
- (b) if the authority decides that it would be, determine the date on which that review is to begin.

(8) Where, as a result of complying with this Article, an authority concludes that it should take action to safeguard or promote the child's welfare the authority shall take that action (so far as it is both within the power of the authority and reasonably practicable for it to do so).

(9) Where an authority is conducting inquiries under this Article, it shall be the duty of anyone to whom this paragraph applies to assist the authority with those inquiries (in particular by providing relevant information and advice) if called upon by the authority to do so.

(10) Paragraph (9) does not oblige anyone to assist an authority where to do so would be unreasonable in all the circumstances of the case.

(11) Paragraph (9) applies to—

- ^{F7}(a)
- (b) [^{F8}the Education Authority] ;
- (c) any [^{F9}Health and Social Care trust];
- (d) the Northern Ireland Housing Executive;
- (e) any special agency; and
- (f) such other persons as the Department may direct for the purposes of this Article.

(12) Where an authority is making inquiries under this Article with respect to a child who appears to the authority to be ordinarily resident within the area of another authority, the authority shall consult that other authority, which may undertake the necessary inquiries in its place.

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- F5** Words in art. 66(5) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 14(7)(a)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F6** Art. 66(5A) inserted (1.4.2024) by Adoption and Children Act (Northern Ireland) 2022 (c. 18), **ss. 120(3), 160(1)**; S.R. 2024/30, art. 2(c)
- F7** Art. 66(11)(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. 161**; S.R. 2022/102, art. 2(b)
- F8** Words in art. 66(11)(b) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 14(7)(b)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F9** Words in art. 66(11)(c) 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**

Powers to assist in discovery of children who may be in need of emergency protection

67.—(1) Where it appears to a court making an emergency protection order that adequate information as to the child's whereabouts—

- (a) is not available to the applicant for the order; but
- (b) is available to another person,

it may include in the order a provision requiring that other person to disclose, if asked to do so by the applicant, any information that he may have as to the child's whereabouts.

(2) No person shall be excused from complying with such a requirement on the ground that complying might incriminate him or his spouse^{F10} or civil partner] of an offence; but a statement or admission made in complying shall not be admissible in evidence against either of them in proceedings for any offence other than perjury.

(3) An emergency protection order may authorise the applicant to enter premises specified by the order and search for the child with respect to whom the order is made.

(4) Where the court is satisfied that there is reasonable cause to believe that there may be another child on those premises with respect to whom an emergency protection order ought to be made, it may make an order authorising the applicant to search for that other child on those premises.

(5) Where—

- (a) an order has been made under paragraph (4);
- (b) the child concerned has been found on the premises; and
- (c) the applicant is satisfied that the grounds for making an emergency protection order exist with respect to him,

the order shall have effect as if it were an emergency protection order.

(6) Where an order has been made under paragraph (4), the applicant shall notify the court of its effect.

(7) A person shall be guilty of an offence if he intentionally obstructs any person exercising the power of entry and search under paragraph (3) or (4).

(8) A person guilty of an offence under paragraph (7) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) Where, on an application made by any person for a warrant under this Article, it appears to the court—

- (a) that a person attempting to exercise powers under an emergency protection order has been prevented from doing so by being refused entry to the premises concerned or access to the child concerned; or
- (b) that any such person is likely to be so prevented from exercising any such powers,

it may issue a warrant authorising any constable to assist the person mentioned in sub-paragraph (a) or (b) in the exercise of those powers, using reasonable force if necessary.

(10) Every warrant issued under this Article shall be addressed to, and executed by, a constable who shall be accompanied by the person applying for the warrant if—

- (a) that person so desires; and
- (b) the court by whom the warrant is issued does not direct otherwise.

(11) A court granting an application for a warrant under this Article may direct that the constable may, in executing the warrant, be accompanied by a medical practitioner, registered nurse or registered health visitor if he so chooses.

(12) An application for a warrant under this Article shall be made in the manner and form prescribed by rules of court.

(13) Wherever it is reasonably practicable to do so, an order under paragraph (4), an application for a warrant under this Article and any such warrant shall name the child; and where it does not name him it shall describe him as clearly as possible.

F10 2004 c. 33

Abduction of children in care, etc.

68.—(1) A person shall be guilty of an offence if, knowingly and without lawful authority or reasonable excuse, he—

- (a) takes a child to whom this Article applies away from the responsible person;
 - (b) keeps such a child away from the responsible person; or
 - (c) induces, assists or incites such a child to run away or stay away from the responsible person.
- (2) This Article applies in relation to a child who is—
- (a) in care;
 - (b) the subject of an emergency protection order; or
 - (c) in police protection,

and in this Article “the responsible person” means any person who for the time being has care of him by virtue of the care order, the emergency protection order, or Article 65, as the case may be.

(3) A person guilty of an offence under this Article shall be liable on summary conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding level 5 on the standard scale, or to both.

Recovery of abducted children, etc.

69.—(1) Where it appears to the court that there is reason to believe that a child to whom this Article applies—

- (a) has been unlawfully taken away or is being unlawfully kept away from the responsible person;
- (b) has run away or is staying away from the responsible person; or
- (c) is missing,

the court may make an order under this Article (“a recovery order”).

(2) This Article applies to the same children to whom Article 68 applies and in this Article “the responsible person” has the same meaning as in that Article.

Status: Point in time view as at 01/04/2024.

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- (3) A recovery order—
- (a) operates as a direction to any person who is in a position to do so to produce the child on request to any authorised person;
 - (b) authorises the removal of the child by any authorised person;
 - (c) requires any person who has information as to the child's whereabouts to disclose that information, if asked to do so, to a constable or an officer of the court;
 - (d) authorises a constable to enter any premises specified in the order and search for the child, using reasonable force if necessary.
- (4) The court may make a recovery order only on the application of—
- (a) any person who has parental responsibility for the child by virtue of a care order or emergency protection order; or
 - (b) where the child is in police protection, the designated officer.
- (5) A recovery order shall name the child and—
- (a) any person who has parental responsibility for the child by virtue of a care order or emergency protection order; or
 - (b) where the child is in police protection, the designated officer.
- (6) Premises may only be specified under paragraph (3)(d) if it appears to the court that there are reasonable grounds for believing the child to be on them.
- (7) In this Article—
- “authorised person” means—
- (a) any person specified by the court;
 - (b) any constable;
 - (c) any person who is authorised—
 - (i) after the recovery order is made; and
 - (ii) by a person who has parental responsibility for the child by virtue of a care order or an emergency protection order,
 to exercise any power under a recovery order; and
- “designated officer” means the police officer designated for the purposes of Article 65.
- (8) Where a person is authorised as mentioned in paragraph (c) of the definition of “authorised person” in paragraph (7)—
- (a) the authorisation shall identify the recovery order; and
 - (b) any person claiming to be so authorised shall, if asked to do so, produce some duly authenticated document showing that he is so authorised.
- (9) A person shall be guilty of an offence if he intentionally obstructs an authorised person exercising the power under paragraph (3)(b) to remove a child.
- (10) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (11) No person shall be excused from complying with any request made under paragraph (3)(c) on the ground that complying with it might incriminate him or his spouse^{F11} or civil partner] of an offence; but a statement or admission made in complying shall not be admissible in evidence against either of them in proceedings for an offence other than perjury.
- (12) Where a child is made the subject of a recovery order whilst being looked after by an authority, any reasonable expenses incurred by an authorised person in giving effect to the order shall be recoverable from the authority.

F11 2004 c. 33

Refuges for children at risk

70.—(1) Where it is proposed to use a voluntary home or a^{F12} private] children's home to provide a refuge for children who appear to be at risk of harm, the Department may issue a certificate under this Article with respect to that home.

(2) Where an authority or voluntary organisation arranges for a foster parent to provide such a refuge, the Department may issue a certificate under this Article with respect to that foster parent.

(3) In paragraph (2) “foster parent” means a person who is, or who from time to time is, an authority foster parent or a foster parent with whom children are placed by a voluntary organisation.

(4) The Department may by regulations—

- (a) make provision as to the manner in which certificates may be issued;
- (b) impose requirements which must be complied with while any certificate is in force; and
- (c) provide for the withdrawal of certificates in prescribed circumstances.

(5) Where a certificate is in force with respect to a home, none of the provisions mentioned in paragraph (7) shall apply in relation to any person providing a refuge for any child in that home.

(6) Where a certificate is in force with respect to a foster parent, none of the provisions mentioned in paragraph (7) shall apply in relation to the provision by him of a refuge for any child in accordance with arrangements made by the authority or voluntary organisation.

(7) The provisions are—

- (a) Article 68;
- ^{F13}(b) Article 54(5) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (escapes from juvenile justice centres);]
- ^{F14}(c) [^{F15}section 171(2) of the Children’s Hearings (Scotland) Act 2011] (harbouring children who have absconded from residential establishments etc.), so far as it applies in relation to anything done in Northern Ireland;
- (d) section 32(3) of the Children and Young Persons Act 1969^{F16} (compelling, persuading, inciting or assisting any person to be absent from detention, etc.), so far as it applies in relation to anything done in Northern Ireland;
- (e) Article 4 of the Child Abduction (Northern Ireland) Order 1985^{F17} (abduction of children by persons other than parents, etc.).

F12 2003 NI 9

F13 1998 NI 9

F14 prosp. inserted by 2002 c. 26

F15 Words in art. 70(7)(c) substituted (24.6.2013) by The Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013 (S.I. 2013/1465), art. 1(2), Sch. 1 para. 13; S.S.I. 2013/195, art. 2

F16 1969 c. 54

F17 1985 NI 17

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Rules of court and regulations

71.—(1) Without prejudice to Article 165 (rules of court) or any other power to make such rules, rules of court may be made with respect to the procedure to be followed in connection with proceedings under this Part.

(2) The rules may, in particular, make provision—

- (a) as to the form in which any application is to be made or direction is to be given;
- (b) prescribing the persons who are to be notified of—
 - (i) the making, or extension, of an emergency protection order; or
 - (ii) the making of an application under Article 64(3) or (7); and
- (c) as to the content of any such notification and the manner in which, and person by whom, it is to be given.

(3) The Department may by regulations provide that, where—

- (a) an emergency protection order has been made with respect to a child;
- (b) the applicant for the order was not the authority within whose area the child is ordinarily resident; and
- (c) that authority is of the opinion that it would be in the child's best interests for the applicant's responsibilities under the order to be transferred to it,

that authority shall (subject to its having complied with any requirements imposed by the regulations) be treated, for the purposes of this Order, as though it and not the original applicant had applied for, and been granted, the order.

(4) Regulations made under paragraph (3) may, in particular, make provision as to—

- (a) the considerations to which the authority shall have regard in forming an opinion as mentioned in paragraph (3)(c); and
- (b) the time at which responsibility under any emergency protection order is to be treated as having been transferred to an authority.

Status:

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