
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 297 (C. 17)

CHILDREN

**The Children (1995 Order) (Commencement
No. 3) Order (Northern Ireland) 1996**

Made - - - - 17th July 1996

In the exercise of the powers conferred on me by Article 1(2) and (3) of the Children (Northern Ireland) Order 1995(1) and of all other powers enabling me in that behalf, I hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Children (1995 Order) (Commencement No. 3) Order (Northern Ireland) 1996.

(2) In this Order, “the 1995 Order” means the Children (Northern Ireland) Order 1995.

Provisions of the 1995 Order brought into operation by this Order

2.—(1) For the purposes of authorising the making of orders, regulations and rules of court, the day appointed for the coming into operation of the provisions of the 1995 Order specified in Schedule 1 is the day following the date on which this Order is made.

(2) Subject to paragraph (3), the provisions of the 1995 Order not already in operation on 4th November 1996 shall come into operation on that day.

(3) Paragraph (2) shall not have effect in relation to the provisions of the 1995 Order specified in Schedule 2.

**Day appointed for the coming into operation of the Children (Northern Ireland
Consequential Amendments) Order 1995**

3. The day appointed for the coming into operation of the provisions of the Children (Northern Ireland Consequential Amendments) Order 1995(2) is 4th November 1996.

(1) S.I.1995/755 (N.I. 2)
(2) S.I. 1995/756

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Northern Ireland Office
7th July 1996

P. B. B. Mayhew
One of Her Majesty's Principal Secretaries of
State

SCHEDULE 1

Article 2(1)

Provisions of the 1995 Order coming into operation on the day following the date on which this Order is made

Provisions of the 1995 Order	Subject matter
Article 4(2)	Reports on child's welfare
Article 7(2) and (3)	Parental responsibility agreements
Article 10(7)	Persons entitled to apply for Article 8 orders
Article 11(2)	Timetabling of Article 8 proceedings
Article 18(4)	Powers and duties of authorities towards children in need
Article 27(2)(a), (f)(ii) and (5)	Placement of children looked after: general
Article 28	Placement of children looked after: specific matters
Article 31(7)	Appointment of independent visitors for children
Article 37(2)	Representations and complaints
Article 41(11)	Appeals against contribution orders
Article 43	Recovery of parental contributions towards the maintenance of children looked after
Article 44(3) and (8)	Secure accommodation
Article 45(1), (2), (5) and (6)	Reviews of children's cases and representations and complaints about the discharge of authority functions
Article 49(2)(b)	Application for court orders by authorised persons
Article 51(2)	Timetabling of care and supervision order proceedings
Article 53(8)	Refusal of parental contact with children in care
Article 57(8)(b)	Variation of directions under interim orders regarding medical or psychiatric examinations or assessments
Article 60(2), (5), (6)(i) and (10)	Appointment of guardians ad litem
Article 62(12)	Application for variation or discharge of a child assessment order
Article 63(5)(c) and (9)(b)	Emergency protection orders
Article 67(12)	Application for warrant for police assistance to enforce an emergency protection order
Article 70(4)	Refuges for children at risk

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Provisions of the 1995 Order	Subject matter
Article 71	Rules of court and regulations in relation to emergency protection proceedings
Article 73	Provision of children's homes by authorities
Article 74(2)(h)	Definition of voluntary children's home
Article 75	Provision of accommodation by voluntary organisations
Article 77(3)	Duties of authorities in respect of children accommodated by voluntary organisations
Article 80(2), (3), (4) and (5)	Application for registration of a voluntary children's home
Article 82(1)	Cancellation of registration of a voluntary children's home
Article 89(1), (2) and (3)	Placement of children in and conduct of voluntary children's homes
Article 91(2)(h)	Definition of registered children's homes
Article 93(3)	Duties of authorities in respect of children accommodated in registered children's homes
Article 96(2), (3), (4) and (5)	Application for registration of a children's home
Article 98(1)	Cancellation of registration of a registered children's home
Article 105(1), (2) and (3)	Placement of children in and conduct of registered children's homes
Article 108(2)	Welfare of privately fostered children
Article 109(1) and (2)	Persons disqualified from being private foster parents
Article 112(1) and (2)	Notification of private fostering
Article 121(6)	Exemption from requirement to register supervised activities
Article 122(1) and (2)	Disqualification from registration as a child minder or person providing day care
Article 123(2)	Registration of child minders and persons providing day care
Article 125(3)	Requirements to be complied with by child minders
Article 126(4)	Requirements to be complied with by persons providing day care
Article 127(4)	Fees for replacement of certificate of registration

Provisions of the 1995 Order	Subject matter
Article 136	Regulations with respect to the employment of children
Article 137(3)	Restrictions on children taking part in public performances
Article 138(5) and (7)	Granting of licences for children to take part in public performances
Article 140(1)	Requirement to keep and produce records of performances
Article 146(4)	Application for a warrant to enter premises in connection with performances by children
Article 159(5) and (6)	Appointment of a guardian of the fortune or estate of a child
Article 162(2)	Disclaimer of appointment by a parent or guardian
Article 165	Rules of court
Article 166(4), (11) and (14)	Appeals against periodical payments orders and the transfer of proceedings to another court
Article 167(3)	Attendance at court
Article 169(5), (6), (7) and (8)	Admissibility of hearsay evidence
Article 170(1) and (5)	Privacy for children involved in certain proceedings
Article 172(2) and (4)	Legal aid, advice and assistance
Article 178(4)	Search warrants
Article 180(2)	Transfer of prescribed orders with the Isle of Man and the Channel Islands
Article 182	Temporary exercise of functions of authorities by the Department
Paragraph 6(2) of Schedule 1, and Article 15(1) in so far as it relates to it	Provisions relating to lump sums
Paragraph 10 of Schedule 3, and Article 54(2) in so far as it relates to it	Functions of an authority under a supervision order
Paragraphs 4(5) and 6(2) of Schedule 5, and Article 91(4) in so far as it relates to them	Exemptions from usual fostering limit and representations and complaints procedures
Schedule 7 and Article 164(5) in so far as it relates to it	Jurisdiction — proceedings and appeals

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SCHEDULE 2

Article 2(3)

Provisions of the 1995 Order not being brought into operation by this Order

Provisions of the 1995 Order	Subject matter
Article 149(1)(i)	Inspection of schools providing accommodation
Article 176 Article 178 only in so far as it relates to Article 176	Children accommodated in schools Search warrants
The following paragraphs of Schedule 9 and Article 185(1) in so far as it relates to them— paragraph 17 paragraph 109	Consequential amendments Amendment to the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 Amendment to the Domestic Proceedings (Northern Ireland) Order 1980
The following repeals in Schedule 10 and Article 185(2) in so far as it relates to them— the Domestic Proceedings (Northern Ireland) Order 1980(3), Articles 25(1) and 26	Repeals Variation and revocation of orders

EXPLANATORY NOTE

(This note is not part of the Order).

This Order provides for the coming into operation on the day following the date on which the Order is made of provisions in the Children (Northern Ireland) Order 1995 (“the 1995 Order”) authorising the making of orders, regulations or rules of court.

The Order also provides for the coming into operation on 4th November 1996 of the remaining provisions of the 1995 Order not already in operation, except for those provisions specified in Schedule 2 to this Order.

It also provides for the coming into operation on 4th November 1996 of the Children (Northern Ireland Consequential Amendments) Order 1995.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order.)

The following provisions of the Children (Northern Ireland) Order 1995 have been brought into operation by commencement orders made before the date of this Order:—

(3) S.I. 1980/563 (N.I. 5)

Provision	Date of commencement	S.R. Number
Articles 1 and 2	1st July 1995	1995 No. 248 (C. 3)
Article 60(7) and (8)	19th February 1996	1996 No. 15 (C. 2)
Articles 155 to 157 and Schedule 6	1st July 1995	1995 No. 248 (C. 3)
Article 183	1st July 1995	1995 No. 248 (C. 3)
Article 184(1) and Schedule 8 (partially)	1st July 1995	1995 No. 248 (C. 3)
Article 184(2)	1st July 1995	1995 No. 248 (C. 3)
Article 185(1) and Schedule 9 (partially)	1st July 1995	1995 No. 248 (C. 3)
(partially)	19th February 1996	1996 No. 15 (C. 2)
Article 185(2) and Schedule 10 (partially)	1st July 1995	1995 No. 248 (C. 3)