



Children Act 1989

1989 CHAPTER 41

PART IV

CARE AND SUPERVISION

General

31 Care and Supervision

- (1) On the application of any local authority or authorised person, the court may make an order—
 - (a) placing the child with respect to whom the application is made in the care of a designated local authority; or
 - (b) putting him under the supervision of a designated local authority ^{F1}. . .
- (2) A court may only make a care order or supervision order if it is satisfied—
 - (a) that the child concerned is suffering, or is likely to suffer, significant harm; and
 - (b) that the harm, or likelihood of harm, is attributable to—
 - (i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or
 - (ii) the child's being beyond parental control.
- (3) No care order or supervision order may be made with respect to a child who has reached the age of seventeen (or sixteen, in the case of a child who is married).
- (4) An application under this section may be made on its own or in any other family proceedings.
- (5) The court may—
 - (a) on an application for a care order, make a supervision order;
 - (b) on an application for a supervision order, make a care order.

Status: Point in time view as at 31/01/2005. This version of this provision has been superseded.

Changes to legislation: Children Act 1989, Section 31 is up to date with all changes known to be in force on or before 23 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)

- (6) Where an authorised person proposes to make an application under this section he shall—
- (a) if it is reasonably practicable to do so; and
 - (b) before making the application,
- consult the local authority appearing to him to be the authority in whose area the child concerned is ordinarily resident.
- (7) An application made by an authorised person shall not be entertained by the court if, at the time when it is made, the child concerned is—
- (a) the subject of an earlier application for a care order, or supervision order, which has not been disposed of; or
 - (b) subject to—
 - (i) a care order or supervision order;
 - (ii) an order under [^{F2}section 63(1) of the Powers of Criminal Courts (Sentencing) Act 2000]; or
 - (iii) a supervision requirement within the meaning of [^{F3}Part II of the Children (Scotland) Act 1995].
- (8) The local authority designated in a care order must be—
- (a) the authority within whose area the child is ordinarily resident; or
 - (b) where the child does not reside in the area of a local authority, the authority within whose area any circumstances arose in consequence of which the order is being made.
- (9) In this section—
- “authorised person” means—
- (a) the National Society for the Prevention of Cruelty to Children and any of its officers; and
 - (b) any person authorised by order of the Secretary of State to bring proceedings under this section and any officer of a body which is so authorised;
- “harm” means ill-treatment or the impairment of health or development [^{F4}including, for example, impairment suffered from seeing or hearing the ill-treatment of another];
- “development” means physical, intellectual, emotional, social or behavioural development;
- “health” means physical or mental health; and
- “ill-treatment” includes sexual abuse and forms of ill-treatment which are not physical.
- (10) Where the question of whether harm suffered by a child is significant turns on the child’s health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.
- (11) In this Act—
- “a care order” means (subject to section 105(1)) an order under subsection (1)(a) and (except where express provision to the contrary is made) includes an interim care order made under section 38; and
- “a supervision order” means an order under subsection (1)(b) and (except where express provision to the contrary is made) includes an interim supervision order made under section 38.

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Textual Amendments

- F1** Words in s. 31(1)(b) repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 90, **Sch. 8**; S.I. 2001/919, **art. 2(f)(ii)(g)**
- F2** Words in s. 31(7)(b)(ii) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 127**
- F3** Words in s. 31(7)(b)(iii) substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 48(2)**(with ss. 90, 103(1)); S.I. 1996/3201, **art. 3(7)**
- F4** S. 31(9): words in definition of "harm" inserted (31.1.2005) by 2002 c. 38, ss. 120, 148 (with Sch. 4 paras. 6-8); S.I. 2004/3203, **art. 2(2)**

Modifications etc. (not altering text)

- C1** S. 31 applied (14.10.1991) by S.I. 1991/2032, **art. 3(1)**.
- C2** S. 31(1)(a) extended (30.9.1998) by 1998 c. 37, **s. 12(6)(a)(7)**; S.I. 1998/2327, **art. 2(1)(c)** (subject to arts. 5-8)
- C3** S. 31(2) modified (30.9.1998) by 1998 c. 37, **s. 12(7)**; S.I. 1998/2327, **art. 2(1)(c)** (subject to arts. 5-8).

Commencement Information

- I1** S. 31 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

Status:

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