



Children Act 1989

1989 CHAPTER 41

PART V

PROTECTION OF CHILDREN

45 Duration of emergency protection orders and other supplemental provisions

- (1) An emergency protection order shall have effect for such period, not exceeding eight days, as may be specified in the order.
- (2) Where—
 - (a) the court making an emergency protection order would, but for this subsection, specify a period of eight days as the period for which the order is to have effect; but
 - (b) the last of those eight days is a public holiday (that is to say, Christmas Day, Good Friday, a bank holiday or a Sunday),the court may specify a period which ends at noon on the first later day which is not such a holiday.
- (3) Where an emergency protection order is made on an application under section 46(7), the period of eight days mentioned in subsection (1) shall begin with the first day on which the child was taken into police protection under section 46.
- (4) 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.
- (5) On an application under subsection (4) 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.

Status: This is the original version (as it was originally enacted).

- (6) An emergency protection order may only be extended once.
- (7) Regardless of any enactment 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.
- (8) 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.
- (9) No application for the discharge of an emergency protection order shall be heard by the court before the expiry of the period of 72 hours beginning with the making of the order.
- (10) No appeal may be made against the making of, or refusal to make, an emergency protection order or against any direction given by the court in connection with such an order.
- (11) Subsection (8) 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 subsection (5).
- (12) 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 registered medical practitioner, registered nurse or registered health visitor, if he so chooses.