



Armed Forces Act 1991

1991 CHAPTER 62

PART III

PROTECTION OF CHILDREN OF SERVICE FAMILIES

19 Power to make orders for the emergency protection of children of service families.

- [^{F1}(1) The power to make an order under this section (in this Part of this Act referred to as a “protection order”) is exercisable only with respect to a child who—
- (a) resides outside the British Islands with the family of a person subject to service law serving in a country or territory outside the British Islands or of a [^{F2}civilian subject to service discipline], or
 - (b) is staying (for however short a time) outside the British Islands with such a family.
- (2) In the following provisions of this Part, any reference to a person with whom a child was at any time residing includes a reference to a person with whom a child was staying.]
- (3) On an application made by any person with respect to a child, [^{F3}a judge advocate] may make a protection order with respect to the child if, but only if, he is satisfied that—
- (a) there is reasonable cause to believe that the child is likely to suffer significant harm if he is not removed to accommodation provided by or on behalf of the applicant; or
 - (b) there is reasonable cause to believe that the child is likely to suffer significant harm if he does not remain in the place in which he is then being accommodated (whether or not that is the place where he is resident); or
 - (c) in the case of an application made by a designated 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 enquiries with respect to the child’s welfare;
- and

Changes to legislation: Armed Forces Act 1991, Section 19 is up to date with all changes known to be in force on or before 27 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) View outstanding changes

(iii) those enquiries are being frustrated by access to the child being unreasonably refused to the applicant or a person authorised by the applicant to seek access and the applicant has reasonable cause to believe that access to the child is required as a matter of urgency.

- (4) No protection order shall be made without affording—
 - (a) the child to whom it is proposed that the order should relate,
 - (b) his parents,
 - (c) any other person who has parental responsibility for him, and
 - (d) any other person with whom he was residing immediately before the making of the application for the order,

an opportunity to make representations to the [^{F4}judge advocate] to whom the application for the order is made, except where it appears to that [^{F4}judge advocate] that it would be undesirable to do so in the interests of the child or that it would be impracticable, or would cause unnecessary delay, to communicate with any parent of the child or with any such other person as is mentioned in paragraph (c) or paragraph (d) above.

- (5) Any person—
 - (a) seeking access to a child in connection with enquiries of a kind mentioned in subsection (3)(c) above, and
 - (b) purporting to be a designated person or a person authorised by a designated person to seek such access,

shall, on being asked to do so, produce some duly authenticated document as evidence that he is such a person.

- (6) Regulations may—
 - (a) prescribe the descriptions of persons who for the purposes of this section are designated persons; and
 - (b) make provision with respect to the procedure to be followed on and in connection with the making of protection orders.

^{F5}(7)

| Textual Amendments | |
|--------------------|---|
| F1 | S. 19(1)(2) substituted (1.10.2001) by 2001 c. 19, s. 34, Sch. 6 Pt. 6 para. 58 ; S.I. 2001/3234, art. 2 |
| F2 | Words in s. 19(1)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52) , s. 383(2), Sch. 13 para. 3(2) ; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4 |
| F3 | Words in s. 19(3) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52) , s. 383(2), Sch. 13 para. 3(3) ; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4 |
| F4 | Words in s. 19(4) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52) , s. 383(2), Sch. 13 para. 3(4) ; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4 |
| F5 | S. 19(7) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52) , s. 383(2), Sch. 17 ; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4 |

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 17(4)(dc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 11](#)
- s. 18(7)(dc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 12](#)
- s. 20(8)(cc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 13](#)
- s. 22A(7)(cc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 14](#)