
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART X

PRIVATE ARRANGEMENTS FOR FOSTERING CHILDREN

Privately fostered children further defined

107.—(1) A child is not a privately fostered child if the person caring for and accommodating him—

- (a) has done so for a period of less than 28 days; and
 - (b) does not intend to do so for any longer period.
- (2) A child is not a privately fostered child while he is being looked after by an authority.
- (3) A child is not a privately fostered child while he is in the care of any person—
- (a) in premises in which any—
 - (i) parent of his;
 - (ii) person who is not a parent of his but who has parental responsibility for him; or
 - (iii) person who is a relative of his and who has assumed responsibility for his care, is for the time being living;
 - (b) in any children's home;
 - (c) in accommodation provided by or on behalf of any voluntary organisation;
 - (d) in any school in which he is receiving full-time education;
 - (e) in any residential care home;
 - (f) in any hospital (including a private hospital) or nursing home; or
 - (g) in any home or institution not specified in sub-paragraphs (b) to (f) but provided by the Secretary of State, a government department or a prescribed public body,

but sub-paragraphs (b) to (g) do not apply where the person caring for the child is doing so in his personal capacity and not in the course of carrying out his duties in relation to the establishment mentioned in the sub-paragraph in question.

(4) A child is not a privately fostered child while he is living with any person in compliance with a probation order which includes a residence requirement.

- (5) A child is not a privately fostered child while—
- (a) he is committed to the care of a fit person under section 74 of the Children and Young Persons Act (Northern Ireland) 1968(1); or
 - (b) he is living with any person in compliance with a supervision order under that section which includes a residence requirement.

(6) A child is not a privately fostered child while he is liable to be detained, or subject to guardianship, under the Mental Health (Northern Ireland) Order 1986(2).

(7) A child is not a privately fostered child while—

(a) he is placed in the care of a person who proposes to adopt him under arrangements made by an adoption agency within the meaning of—

(i) Article 3 of the Adoption Order; or

(ii) section 1 of the Adoption Act 1976(3); or

(iii) section 1 of the Adoption (Scotland) Act 1978(4);

(b) he is a protected child.

(2) 1986 NI 4
(3) 1976 c. 36
(4) 1978 c. 28