
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART V

CARE AND SUPERVISION

General

Care orders and supervision orders

- 50.**—(1) On the application of any 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 authority; or
 - (b) putting him under the supervision of a designated authority.
- (2) A court may only make a care or a 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) 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.
- (4) No care order or supervision order may be made with respect to a child who has reached the age of 17 (or 16, in the case of a child who is married).
- (5) An application under this Article may be made on its own or in any other family proceedings.
- (6) 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.
- (7) Where an authorised person proposes to make an application under this Article he shall—
- (a) if it is reasonably practicable to do so; and
 - (b) before making the application,
- consult the authority appearing to him to be the authority in whose area the child concerned is ordinarily resident.
- (8) 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 or a supervision order, which has not been disposed of; or

- (b) subject to—
 - (i) a care or a supervision order; or
 - (ii) a probation order or an order under section 74(1)(b) or (c) of the Children and Young Persons Act (Northern Ireland) 1968⁽¹⁾ (power of court to make fit person order or supervision order on finding of guilt).
- (9) The 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 an authority, the authority within whose area any circumstances arose in consequence of which the order is being made.

⁽¹⁾ 1968 c. 34 (N.I.)