
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 443

CHILDREN

Contact with Children Regulations (Northern Ireland) 1996

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| | <i>23rd September</i> |
| <i>Made</i> - - - - | <i>1996</i> |
| <i>Coming into operation</i> | <i>4th November 1996</i> |

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 53(8) of the Children (Northern Ireland) Order 1995(1) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Contact with Children Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

(2) In these Regulations, any reference to a numbered Article is to the Article of the Children (Northern Ireland) Order 1995 bearing that number.

(3) Any notice required under these Regulations is to be given in writing and may be sent by ordinary post.

Authority refusal of contact with child

2. Where an authority has decided under Article 53(6) to refuse contact with a child that would otherwise be required by virtue of Article 53(1) or an order under Article 53, the authority shall, as soon as the decision has been made, notify the following persons of those parts of the information specified in the Schedule as the authority considers those persons need to know—

- (a) the child, if he is of sufficient understanding;
- (b) the child's parents;
- (c) any guardian of his;
- (d) where there was a residence order in force with respect to the child immediately before the care order was made, the person in whose favour the residence order was made;
- (e) where immediately before the care order was made, a person had care of the child by virtue of an order made in the exercise of the High Court's inherent jurisdiction with respect to children, that person; and

- (f) any other person whose wishes and feelings the authority considers to be relevant.

Departure from terms of court order on contact under Article 53

3.—(1) Subject to paragraph (2), an authority may depart from the terms of any order under Article 53 (parental contact etc. with children in care) by agreement between the authority and the person in relation to whom the order is made.

(2) An agreement under paragraph (1) is subject to the agreement of the child where he is of sufficient understanding.

(3) Within 7 days of an agreement under paragraph (1), notification shall be sent to the persons specified in regulation 2 containing those parts of the information specified in the Schedule as the authority considers those persons need to know.

Notification of variation or suspension of contact arrangements

4. Where an authority varies or suspends any arrangements made (otherwise than under an order made under Article 53) with a view to affording any person contact with a child in the care of that authority, notification shall be sent to those persons specified in regulation 2 containing those parts of the information specified in the Schedule as the authority considers those persons need to know, as soon as the decision is made to vary or suspend the arrangements.

Sealed with the Official Seal of the Department of Health and Social Services on 23rd September 1996.

L.S.

P. A. Conliffe
Assistant Secretary

SCHEDULE

Regulations 2, 3 and 4

Information to be contained in written notification

1. Authority's decision.
2. Date of the decision.
3. Reasons for the decision.
4. Duration (if applicable).
5. Remedies available in case of dissatisfaction.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for the steps to be taken by an authority which has refused to allow contact between a child in care and his parents and others specified in Article 53(1) of the Children (Northern Ireland) Order 1995 ("the Order"), which include notifying those persons and anyone else whose wishes and feelings the authority considers to be relevant (regulation 2).

The Regulations provide for the authority to depart from the terms of any order under Article 53 of the Order as to contact, by agreement between the authority and the person about whom the order was made, where the child agrees, if he is of sufficient understanding, and where a written notification of details of the decision is sent to the person specified in regulation 2 (regulation 3). They provide for the authority to notify those persons of details of any decision to vary or suspend any arrangements made, other than under an order under Article 53 of the Order, so as to allow any person contact with a child in care (regulation 4). The Schedule sets out the information which may be given in each case.

Article 53(8) of the Order is the enabling provision under which these Regulations are made. It was brought into operation on 18th July 1996 by virtue of Article 2(1) of, and Schedule 1 to, the Children (1995 Order) (Commencement No. 3) Order (Northern Ireland) 1996 ([S.R. 1996 No. 297 \(C. 17\)](#)).