



# Children Act 1989

## 1989 CHAPTER 41

### PART V

#### PROTECTION OF CHILDREN

#### **46 Removal and accommodation of children by police in cases of emergency.**

- (1) Where a constable has reasonable cause to believe that a child would otherwise be likely to suffer significant harm, he may—
  - (a) remove the child to suitable accommodation and keep him there; or
  - (b) take such steps as are reasonable to ensure that the child's removal from any hospital, or other place, in which he is then being accommodated is prevented.
- (2) For the purposes of this Act, a child with respect to whom a constable has exercised his powers under this section is referred to as having been taken into police protection.
- (3) As soon as is reasonably practicable after taking a child into police protection, the constable concerned shall—
  - (a) inform the local authority within whose area the child was found of the steps that have been, and are proposed to be, taken with respect to the child under this section and the reasons for taking them;
  - (b) give details to the authority within whose area the child is ordinarily resident ("the appropriate authority") of the place at which the child is being accommodated;
  - (c) inform the child (if he appears capable of understanding)—
    - (i) of the steps that have been taken with respect to him under this section and of the reasons for taking them; and
    - (ii) of the further steps that may be taken with respect to him under this section;
  - (d) take such steps as are reasonably practicable to discover the wishes and feelings of the child;
  - (e) secure that the case is inquired into by an officer designated for the purposes of this section by the chief officer of the police area concerned; and

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- (f) where the child was taken into police protection by being removed to accommodation which is not provided—
  - (i) by or on behalf of a local authority; or
  - (ii) as a refuge, in compliance with the requirements of section 51, secure that he is moved to accommodation which is so provided.
- (4) As soon as is reasonably practicable after taking a child into police protection, the constable concerned shall take such steps as are reasonably practicable to inform—
  - (a) the child’s parents;
  - (b) every person who is not a parent of his but who has parental responsibility for him; and
  - (c) any other person with whom the child was living immediately before being taken into police protection,
 of the steps that he has taken under this section with respect to the child, the reasons for taking them and the further steps that may be taken with respect to him under this section.
- (5) On completing any inquiry under subsection (3)(e), the officer conducting it shall release the child from police protection unless he considers that there is still reasonable cause for believing that the child would be likely to suffer significant harm if released.
- (6) No child may be kept in police protection for more than 72 hours.
- (7) While a child is being kept in police protection, the designated officer may apply on behalf of the appropriate authority for an emergency protection order to be made under section 44 with respect to the child.
- (8) An application may be made under subsection (7) whether or not the authority know of it or agree to its being made.
- (9) While a child is being kept in police protection—
  - (a) neither the constable concerned nor the designated officer shall have parental responsibility for him; but
  - (b) the designated officer shall do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child’s welfare (having regard in particular to the length of the period during which the child will be so protected).
- (10) Where a child has been taken into police protection, the designated officer shall allow—
  - (a) the child’s parents;
  - (b) any person who is not a parent of the child but who has parental responsibility for him;
  - (c) any person with whom the child was living immediately before he was taken into police protection;
  - [<sup>F1</sup>(d) any person named in a child arrangements order as a person with whom the child is to spend time or otherwise have contact;]
  - (e) any person who is allowed to have contact with the child by virtue of an order under section 34; and
  - (f) any person acting on behalf of any of those persons,
 to have such contact (if any) with the child as, in the opinion of the designated officer, is both reasonable and in the child’s best interests.

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- (11) Where a child who has been taken into police protection is in accommodation provided by, or on behalf of, the appropriate authority, subsection (10) shall have effect as if it referred to the authority rather than to the designated officer.

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**Textual Amendments**

- F1** S. 46(10)(d) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 2 para. 36](#); [S.I. 2014/889](#), [art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)

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**Commencement Information**

- I1** S. 46 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828](#), [art. 3\(2\)](#)

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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. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)