



Children Act 1989

1989 CHAPTER 41

PART V

PROTECTION OF CHILDREN

48 Powers to assist in discovery of children who may be in need of emergency protection.

- (1) Where it appears to a court making an emergency protection order that adequate information as to the child's whereabouts—
 - (a) is not available to the applicant for the order; but
 - (b) is available to another person,it may include in the order a provision requiring that other person to disclose, if asked to do so by the applicant, any information that he may have as to the child's whereabouts.
- (2) No person shall be excused from complying with such a requirement on the ground that complying might incriminate him or his spouse [^{F1}or civil partner] of an offence; but a statement or admission made in complying shall not be admissible in evidence against either of them in proceedings for any offence other than perjury.
- (3) An emergency protection order may authorise the applicant to enter premises specified by the order and search for the child with respect to whom the order is made.
- (4) Where the court is satisfied that there is reasonable cause to believe that there may be another child on those premises with respect to whom an emergency protection order ought to be made, it may make an order authorising the applicant to search for that other child on those premises.
- (5) Where—
 - (a) an order has been made under subsection (4);
 - (b) the child concerned has been found on the premises; and
 - (c) the applicant is satisfied that the grounds for making an emergency protection order exist with respect to him,

Changes to legislation: Children Act 1989, Section 48 is up to date with all changes known to be in force on or before 19 April 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

the order shall have effect as if it were an emergency protection order.

- (6) Where an order has been made under subsection (4), the applicant shall notify the court of its effect.
- (7) A person shall be guilty of an offence if he intentionally obstructs any person exercising the power of entry and search under subsection (3) or (4).
- (8) A person guilty of an offence under subsection (7) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) Where, on an application made by any person for a warrant under this section, it appears to the court—
- (a) that a person attempting to exercise powers under an emergency protection order has been prevented from doing so by being refused entry to the premises concerned or access to the child concerned; or
 - (b) that any such person is likely to be so prevented from exercising any such powers,
- it may issue a warrant authorising any constable to assist the person mentioned in paragraph (a) or (b) in the exercise of those powers using reasonable force if necessary.
- (10) Every warrant issued under this section shall be addressed to, and executed by, a constable who shall be accompanied by the person applying for the warrant if—
- (a) that person so desires; and
 - (b) the court by whom the warrant is issued does not direct otherwise.
- (11) A court granting an application for a warrant under this section may direct that the constable concerned may, in executing the warrant, be accompanied by a registered medical practitioner, registered nurse or [^{F2}registered midwife] if he so chooses.
- [^{F3}(11A) The reference in subsection (11) to a registered midwife is to such a midwife who is also registered in the Specialist Community Public Health Nurses' Part of the register maintained under article 5 of the Nursing and Midwifery Order 2001.]
- (12) An application for a warrant under this section shall be made in the manner and form prescribed by rules of court.
- (13) Wherever it is reasonably practicable to do so, an order under subsection (4), an application for a warrant under this section and any such warrant shall name the child; and where it does not name him it shall describe him as clearly as possible.

Textual Amendments

- F1** Words in s. 48(2) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 261(1), [Sch. 27 para. 130](#); [S.I. 2005/3175](#), [art. 2\(1\)](#), Sch. 1
- F2** Words in s. 48(11) substituted by [S.I. 2002/253](#), [art. 54](#), [Sch. 5 para. 10\(b\)](#) (with [art. 3\(18\)](#)) (the substitution coming into force in accordance with [art. 1\(2\)\(3\)](#) of the said [S.I. 2002/253](#))
- F3** [S. 48\(11A\)](#) inserted (1.8.2004) by [The Health Act 1999 \(Consequential Amendments\) \(Nursing and Midwifery\) Order 2004 \(S.I. 2004/1771\)](#), [art. 3](#), [Sch. para. 4\(b\)](#)

Commencement Information

- I1** [S. 48](#) 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)