



Armed Forces Act 1991

1991 CHAPTER 62

PART III

PROTECTION OF CHILDREN OF SERVICE FAMILIES

20 Content and effect of protection orders.

- (1) A protection order shall name the person on whose application it was made (in this Part of this Act referred to as “the responsible person”) and, wherever it is reasonably practicable to do so, the order shall also name the child to whom it relates; and where it does not name that child it shall describe him as clearly as possible.
- (2) Where a protection order is in force with respect to a child—
 - (a) it shall be the duty of any person who is in a position to do so to comply with any request to produce the child to the responsible person; and
 - (b) the order authorises—
 - (i) the removal of the child at any time to accommodation provided by or on behalf of the responsible person and his being kept there; or
 - (ii) the prevention of the child’s removal from any service hospital, or other place, in which he was being accommodated immediately before the making of the order.
- (3) Where a protection order is in force with respect to a child, the responsible person—
 - (a) shall only exercise a power given by virtue of subsection (2)(b) above in order to safeguard the welfare of the child;
 - (b) shall comply with the requirements of any regulations made for the purposes of this subsection; and
 - (c) subject to paragraphs (a) and (b) above, 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 duration of the order).
- (4) The [^{F1}judge advocate] making a protection order may give such directions (if any) as he considers appropriate with respect to all or any of the following matters—

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- (a) whether the responsible person, in exercising any power under the order, should be accompanied by a person having a medical, nursing or other appropriate qualification;
- (b) any contact which is, or is not, to be allowed between the child and any named person; and
- (c) any medical or psychiatric examination or other assessment of the child which is, or is not, to be carried out;

but, where a direction is given under paragraph (c) above for the carrying out of an examination or other assessment, the child may, if he is of sufficient understanding to make an informed decision, refuse to submit to the examination or assessment.

- (5) Where a protection order is in force with respect to a child and—
 - (a) the responsible person has exercised the power given by subsection (2)(b)(i) above but it appears to him that it is safe for the child to be returned; or
 - (b) the responsible person has exercised the power given by subsection (2)(b)(ii) above but it appears to him that it is safe for the child to be allowed to be removed from the place in question,
 he shall return the child or (as the case may be) allow him to be removed.
- (6) Where he is required by subsection (5) above to return the child, the responsible person shall—
 - (a) return him to the care of the person from whose care he was removed; or
 - (b) if that is not reasonably practicable, return him to the care of—
 - (i) a parent of his;
 - (ii) any person who is not a parent of his but who has parental responsibility for him; or
 - (iii) such other person as the responsible person (with the agreement of [^{F2}a judge advocate]) considers appropriate.
- (7) Where the responsible person has been required by subsection (5) above to return the child, or to allow him to be removed, he may again exercise his powers with respect to the child (at any time while the protection order remains in force) if it appears to him that a change in the circumstances of the case makes it necessary for him to do so.
- (8) Where a protection order has been made with respect to a child, the responsible person shall, subject to any direction given under subsection (4) above, allow the child reasonable contact with—
 - (a) his parents;
 - (b) any other person who has parental responsibility for him;
 - (c) any other person with whom he was residing immediately before the making of the application for the order;
 - [^{F3}(ca) any person who is named in a child arrangements order as a person with whom the child is to live, spend time or otherwise have contact;]
 - [^{F4}(cb) any person in whose favour an order under section 51A of the Adoption and Children Act 2002 (post-adoption contact) is in force with respect to the child;]
 - (d) any person in whose favour a contact order is in force with respect to him;
 - (e) any person who is allowed to have contact with the child by virtue of an order under section 34 of the ^{M1}Children Act 1989 [^{F5}or Article 53 of the Children (Northern Ireland) Order 1995]; and
 - (f) any person acting on behalf of any of those persons.

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- [^{F6}(9) A person subject to service law, or a civilian subject to service discipline, commits an offence if he—
- (a) intentionally obstructs any person exercising the power under subsection (2) (b) above to remove, or prevent the removal of, a child; or
 - (b) intentionally fails to comply with an exclusion requirement included in a protection order by virtue of section 20A below.
- (9A) A person guilty of an offence under this section is liable to any punishment mentioned in rows 5 to [^{F7}14] of the Table in section 164 of the Armed Forces Act 2006.
- (9B) For the purposes of determining the court's powers when sentencing a civilian offender (within the meaning of Part 1 of Schedule 3 to the Armed Forces Act 2006) for an offence under this section, subsection (9A) has effect as if the reference to rows 5 to [^{F8}14] were to rows 2 to [^{F9}9].
- (9C) For the purposes of determining the court's powers when sentencing an offender to whom Part 2 of that Schedule applies (ex-servicemen etc) for an offence under this section, subsection (9A) has effect as if the reference to rows 5 to [^{F10}14] were to rows 5 to [^{F11}12].]
- (11) Any directions given under subsection (4) above shall be set out in the protection order, and—
- (a) the power to give such directions shall be exercisable subject to, and in accordance with, any provision made by regulations; and
 - (b) any direction given in the exercise of that power may be varied or revoked at any time subject to, and in accordance with, any provision so made.

Textual Amendments

- F1** Words in s. 20(4) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 13 para. 4\(2\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F2** Words in s. 20(6)(b)(iii) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 13 para. 4\(3\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F3** S. 20(8)(ca) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 2 para. 56](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F4** S. 20(8)(cb) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 9\(10\)](#), 139(6); S.I. 2014/889, art. 4(a) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F5** Words in s. 20(9)(e) added (4.11.1996) by S.I. 1995/756, [art. 14\(4\)](#); S.R. 1996/297, [art. 3](#)
- F6** S. 20(9)-(9C) substituted for s. 20(9)(10) (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 13 para. 4\(4\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F7** Word in s. 20(9A) substituted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 6 para. 3\(a\)](#); S.I. 2022/471, reg. 2(f); S.I. 2023/158, reg. 3
- F8** Word in s. 20(9B) substituted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 6 para. 3\(b\)\(i\)](#); S.I. 2022/471, reg. 2(f); S.I. 2023/158, reg. 3
- F9** Word in s. 20(9B) substituted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 6 para. 3\(b\)\(ii\)](#); S.I. 2022/471, reg. 2(f); S.I. 2023/158, reg. 3

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- F10** Word in s. 20(9C) substituted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 6 para. 3\(c\)\(i\)](#); S.I. 2022/471, reg. 2(f); S.I. 2023/158, reg. 3
- F11** Word in s. 20(9C) substituted (1.5.2022 for specified purposes, 1.4.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 6 para. 3\(c\)\(ii\)](#); S.I. 2022/471, reg. 2(f); S.I. 2023/158, reg. 3

Modifications etc. (not altering text)

- C1** S. 20(6)(b)(iii) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), [203](#)

Marginal Citations

- M1** [1989 c. 41](#).

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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. 17(4)(dc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 11](#)
- s. 18(7)(dc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 12](#)
- s. 20(8)(cc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 13](#)
- s. 22A(7)(cc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 14](#)