
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART X

PRIVATE ARRANGEMENTS FOR FOSTERING CHILDREN

Offences

117.—(1) A person shall be guilty of an offence if—

- (a) being required, under any provision made by or under this Part, to give any notice or information—
 - (i) he fails without reasonable excuse to give the notice within the time specified in that provision; or
 - (ii) he fails without reasonable excuse to give the information within a reasonable time; or
 - (iii) he makes, or causes or procures another person to make, any statement in the notice or information which he knows to be false or misleading in a material particular;
- (b) he refuses to allow a privately fostered child to be visited by a duly authorised officer of an authority;
- (c) he intentionally obstructs another in the exercise of the power conferred by Article 108(3);
- (d) he contravenes Article 109;
- (e) he fails without reasonable excuse to comply with any requirement imposed by an authority under this Part;
- (f) he accommodates a privately fostered child in any premises in contravention of a prohibition imposed by an authority under this Part;
- (g) he knowingly causes to be published, or publishes, an advertisement which he knows contravenes Article 115.

(2) Where a person contravenes Article 109(3), he shall not be guilty of an offence under this Article if he proves that he did not know, and had no reasonable ground for believing, that any person to whom Article 109(1) applied was living or employed in the premises in question.

(3) A person guilty of an offence under paragraph (1)(a) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person guilty of an offence under paragraph (1)(b), (c) or (g) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A person guilty of an offence under paragraph (1)(d) or (f) shall be liable on summary conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding level 5 on the standard scale, or to both.

(6) A person guilty of an offence under paragraph (1)(e) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) If any person who is required, under any provision of this Part, to give a notice fails to give the notice within the time specified in that provision, proceedings for the offence may be brought at any time within six months from the date when evidence of the offence came to the knowledge of the authority.

(8) Paragraph (7) is not affected by anything in Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981⁽¹⁾.