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STATUTORY INSTRUMENTS

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**1995 No. 755**

**The Children (Northern Ireland) Order 1995**

**PART VI**

**PROTECTION OF CHILDREN**

**Recovery of abducted children, etc.**

**69.**—(1) Where it appears to the court that there is reason to believe that a child to whom this Article applies—

- (a) has been unlawfully taken away or is being unlawfully kept away from the responsible person;
- (b) has run away or is staying away from the responsible person; or
- (c) is missing,

the court may make an order under this Article (“a recovery order”).

(2) This Article applies to the same children to whom Article 68 applies and in this Article “the responsible person” has the same meaning as in that Article.

(3) A recovery order—

- (a) operates as a direction to any person who is in a position to do so to produce the child on request to any authorised person;
- (b) authorises the removal of the child by any authorised person;
- (c) requires any person who has information as to the child’s whereabouts to disclose that information, if asked to do so, to a constable or an officer of the court;
- (d) authorises a constable to enter any premises specified in the order and search for the child, using reasonable force if necessary.

(4) The court may make a recovery order only on the application of—

- (a) any person who has parental responsibility for the child by virtue of a care order or emergency protection order; or
- (b) where the child is in police protection, the designated officer.

(5) A recovery order shall name the child and—

- (a) any person who has parental responsibility for the child by virtue of a care order or emergency protection order; or
- (b) where the child is in police protection, the designated officer.

(6) Premises may only be specified under paragraph (3)(d) if it appears to the court that there are reasonable grounds for believing the child to be on them.

(7) In this Article—

“authorised person” means—

- (a) any person specified by the court;

- (b) any constable;
- (c) any person who is authorised—
  - (i) after the recovery order is made; and
  - (ii) by a person who has parental responsibility for the child by virtue of a care order or an emergency protection order,  
to exercise any power under a recovery order; and

“designated officer” means the police officer designated for the purposes of Article 65.

(8) Where a person is authorised as mentioned in paragraph (c) of the definition of “authorised person” in paragraph (7)—

- (a) the authorisation shall identify the recovery order; and
- (b) any person claiming to be so authorised shall, if asked to do so, produce some duly authenticated document showing that he is so authorised.

(9) A person shall be guilty of an offence if he intentionally obstructs an authorised person exercising the power under paragraph (3)(b) to remove a child.

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

(11) No person shall be excused from complying with any request made under paragraph (3)(c) on the ground that complying with it might incriminate him or his spouse of an offence; but a statement or admission made in complying shall not be admissible in evidence against either of them in proceedings for an offence other than perjury.

(12) Where a child is made the subject of a recovery order whilst being looked after by an authority, any reasonable expenses incurred by an authorised person in giving effect to the order shall be recoverable from the authority.