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STATUTORY INSTRUMENTS

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**1995 No. 755**

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

**PART XVII**

**MISCELLANEOUS AND GENERAL**

*Children accommodated in certain establishments*

**Children accommodated in hospitals**

**174.**—(1) Where a child is provided with accommodation in a hospital administered by a Board—

- (a) for a consecutive period of at least three months; or
- (b) with the intention, on the part of the Board, of accommodating him for such a period,

the Board shall notify the responsible authority.

(2) Where a child is provided with accommodation in a hospital administered by a Health and Social Services trust—

- (a) for a consecutive period of at least three months; or
- (b) with the intention, on the part of the trust, of accommodating him for such a period,

the trust shall notify the responsible authority.

(3) Where paragraph (1) or (2) applies, the Board or trust shall also notify the responsible authority when the child ceases to be accommodated in the hospital.

(4) Paragraphs (1) to (3) shall not apply where the Board or trust is the responsible authority.

(5) In this Article “the responsible authority” means—

- (a) the authority appearing to the Board or trust to be the authority within whose area the child was ordinarily resident immediately before being accommodated in that hospital; or
- (b) where it appears to the Board or trust that the child was not resident within the area of any authority, the authority within whose area the hospital is situated.

(6) Where an authority has been notified under this Article or would but for paragraph (4) have been notified under this Article, it shall—

- (a) take such steps as are reasonably practicable to enable it to determine whether the child’s welfare is adequately safeguarded and promoted while he is accommodated by the Board or trust; and
- (b) consider the extent to which (if at all) any functions under this Order should be exercised with respect to the child by it or another Board or trust.

(7) A person authorised by an authority may enter a hospital for the purpose of establishing whether the requirements of this Article have been complied with.

(8) Any person exercising the power conferred by paragraph (7) shall, if so required, produce some duly authenticated document showing his authority to do so.

### **Children accommodated in certain homes and in private hospitals**

**175.**—(1) Where a child is provided with accommodation in any residential care home, nursing home or private hospital—

- (a) for a consecutive period of at least three months; or
- (b) with the intention, on the part of the person taking the decision to accommodate him, of accommodating him for such a period,

the person carrying on the home or hospital shall notify the authority within whose area the home or hospital is carried on.

(2) Where paragraph (1) applies with respect to a child, the person carrying on the home or hospital shall also notify that authority when he ceases to accommodate the child.

(3) Where an authority has been notified under this Article, it shall—

- (a) take such steps as are reasonably practicable to enable it to determine whether the child's welfare is adequately safeguarded and promoted while he is accommodated in the home or hospital; and
- (b) consider the extent to which (if at all) the authority should exercise any of its functions under this Order with respect to the child.

(4) If the person carrying on any home or hospital fails, without reasonable excuse, to comply with this Article he shall be guilty of an offence.

(5) A person authorised by an authority may enter any residential care home, nursing home or private hospital within the authority's area for the purpose of establishing whether the requirements of this Article have been complied with.

(6) Any person who intentionally obstructs another in the exercise of the power of entry shall be guilty of an offence.

(7) Any person exercising the power of entry shall, if so required, produce some duly authenticated document showing his authority to do so.

(8) Any 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.

### **Children accommodated in schools**

**176.**—(1) It shall be the duty of the managers of any school which provides accommodation for any child to safeguard and promote the child's welfare.

(2) Where accommodation is provided for a child by a school within the area of an authority, the authority shall take such steps as are reasonably practicable to enable it to determine whether the child's welfare is adequately safeguarded and promoted while he is accommodated by the school.

(3) Where an authority is of the opinion that there has been a failure to comply with paragraph (1) in relation to a child provided with accommodation by a school within the authority's area, the authority shall notify both the Department and the Department of Education.

(4) Any person authorised by an authority may, for the purpose of enabling the authority to discharge its duty under this Article, enter at any reasonable time any school within the authority's area which provides accommodation for any child.

(5) Any person entering a school in exercise of the power conferred by paragraph (4) may carry out such inspection of premises, children and records as is prescribed by regulations made by the Department for the purposes of this Article after consultation with the Department of Education.

(6) Any person exercising that power shall, if asked to so do, produce some duly authenticated document showing his authority to do so.

- (7) Any person authorised under this Article to inspect records—
- (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question; and
  - (b) may require—
    - (i) the person by whom or on whose behalf the computer is or has been so used; or
    - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,to afford him such assistance as he may reasonably require.
- (8) Any person who intentionally obstructs another in the exercise of any power conferred by this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Children not accommodated in schools**

- 177.**—(1) Where a child is provided with accommodation by an education and library board—
- (a) for a consecutive period of at least three months; or
  - (b) with the intention, on the part of the board, of accommodating him for such a period,
- the education and library board shall notify the responsible authority.
- (2) Paragraph (1) does not apply to accommodation to which Article 176(1) applies.
- (3) Where paragraph (1) applies with respect to a child, the education and library board shall also notify the responsible authority when it ceases to accommodate the child.
- (4) In this Article “the responsible authority” means—
- (a) the authority appearing to the education and library board to be the authority within whose area the child was ordinarily resident immediately before being accommodated; or
  - (b) where it appears to the education and library board that the child was not ordinarily resident within the area of any authority, the authority within whose area the accommodation is situated.
- (5) Where an authority has been notified under this Article, it shall—
- (a) take such steps as are reasonably practicable to enable it to determine whether the child’s welfare is adequately safeguarded and promoted while he is accommodated by the education and library board; and
  - (b) consider the extent to which (if at all) the authority should exercise any of its functions under this Order with respect to the child.