



# Children Act 1989

## 1989 CHAPTER 41

### PART V

#### PROTECTION OF CHILDREN

#### **52 Rules and regulations.**

- (1) Without prejudice to section 93 or any other power to make such rules, rules of court may be made with respect to the procedure to be followed in connection with proceedings under this Part.
- (2) The rules may, in particular make provision—
  - (a) as to the form in which any application is to be made or direction is to be given;
  - (b) prescribing the persons who are to be notified of—
    - (i) the making, or extension, of an emergency protection order; or
    - (ii) the making of an application under section 45(4) or (8) or 46(7); and
  - (c) as to the content of any such notification and the manner in which, and person by whom, it is to be given.
- (3) The Secretary of State may by regulations provide that, where—
  - (a) an emergency protection order has been made with respect to a child;
  - (b) the applicant for the order was not the local authority within whose area the child is ordinarily resident; and
  - (c) that local authority are of the opinion that it would be in the child's best interests for the applicant's responsibilities under the order to be transferred to them,that authority shall (subject to their having complied with any requirements imposed by the regulations) be treated, for the purposes of this Act, as though they and not the original applicant had applied for, and been granted, the order.
- (4) Regulations made under subsection (3) may, in particular, make provision as to—
  - (a) the considerations to which the local authority shall have regard in forming an opinion as mentioned in subsection (3)(c); and

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*Changes to legislation: Children Act 1989, Section 52 is up to date with all changes known to be in force on or before 23 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*

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- (b) the time at which responsibility under any emergency protection order is to be treated as having been transferred to a local authority.

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**Commencement Information**

**I1** S. 52 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)