

STATUTORY INSTRUMENTS

2010 No. 1898

The Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010

Local authorities: application for interim care order or supervision order

5.—(1) This regulation applies where—

- (a) a local authority in England and Wales thinks that the conditions in section 31(2)(a) and (b) of the Children Act 1989 (threshold for care and supervision orders) apply in relation to a child, and
- (b) one of the following applies in relation to the child—

- (i) Article 11 of the Convention (measures of protection in cases of urgency), [^{F1}or]

- (ii) Article 12 of the Convention (measures of a provisional character). ^{F2}...

- ^{F2}(iii)

(2) Where this regulation applies, section 38 of the Children Act 1989 (interim orders) has effect as if—

(a) for subsection (1)(a) and (b) there were substituted—

- “(a) a local authority makes an application for an interim care order or interim supervision order in relation to a child, and

- (b) one of the following applies in relation to the child—

- (i) Article 11 of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996 (measures of protection in cases of urgency) (“the Convention”),

- (ii) Article 12 of the Convention (measures of a provisional character), ^{F3}...

- ^{F3}(iii)

(b) subsection (3) were omitted,

(c) in subsection (4)(b) the words “in the same proceedings” were omitted, and

(d) for subsection (4)(c) to (e) there were substituted—

- “(c) in a case which falls within subsection (1)(b)(i) or (ii), when—

- (i) the authorities in another Contracting State with jurisdiction under the Convention have taken the measures required by the situation, or

- (ii) measures taken by the authorities of another State are recognised in England and Wales;

- ^{F4}(d)

(3) Where this regulation applies—

Changes to legislation: There are currently no known outstanding effects for the The Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010, Section 5. (See end of Document for details)

- (a) section 31 of the Children Act 1989 (care and supervision orders) has effect as if, in section 31(3A), after “care order” there were inserted the words “, other than an interim care order,”
- (b) section 31A of that Act (care plans) has effect as if subsection (5) were omitted, and
- (c) section 41 of that Act (representation of child’s interests) has effect as if in subsection (6) there were included a reference to an application for an interim care order or interim supervision order by virtue of this regulation.

- F1** Word in [reg. 5\(1\)\(b\)\(i\)](#) inserted (31.12.2020) by [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\)](#), [reg. 1\(1\)](#), [Sch. para. 37\(3\)\(a\)\(i\)](#) (with [reg. 8](#)) (as amended by [S.I. 2020/1574](#), [regs. 1, 5\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F2** [Reg. 5\(1\)\(b\)\(iii\)](#) and word omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\)](#), [reg. 1\(1\)](#), [Sch. para. 37\(3\)\(a\)\(ii\)](#) (with [reg. 8](#)) (as amended by [S.I. 2020/1574](#), [regs. 1, 5\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** Words in [reg. 5\(2\)\(a\)](#) omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\)](#), [reg. 1\(1\)](#), [Sch. para. 37\(3\)\(b\)\(i\)](#) (with [reg. 8](#)) (as amended by [S.I. 2020/1574](#), [regs. 1, 5\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F4** Words in [reg. 5\(2\)\(d\)](#) omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\)](#), [reg. 1\(1\)](#), [Sch. para. 37\(3\)\(b\)\(ii\)](#) (with [reg. 8](#)) (as amended by [S.I. 2020/1574](#), [regs. 1, 5\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

- I1** [Reg. 5](#) in force at 1.11.2012 in accordance with, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010, Section 5.