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STATUTORY INSTRUMENTS

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**1995 No. 755**

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

**PART XVI**

**JURISDICTION AND PROCEDURE**

**Restrictions on use of wardship jurisdiction**

- 173.**—(1) The court shall not exercise its inherent jurisdiction with respect to children—
- (a) so as to require a child to be placed in the care, or put under the supervision, of a Board or Health and Social Services trust;
  - (b) so as to require a child to be accommodated by or on behalf of a Board or Health and Social Services trust;
  - (c) so as to make a child who is the subject of a care order a ward of court; or
  - (d) for the purpose of conferring on any Board or Health and Social Services trust power to determine any question which has arisen, or which may arise, in connection with any aspect of parental responsibility for a child.
- (2) No application for any exercise of the court's inherent jurisdiction with respect to children may be made by an authority unless the authority has obtained the leave of the court.
- (3) The court may only grant leave if it is satisfied that—
- (a) the result which the authority wishes to achieve could not be achieved through the making of any order of a kind to which paragraph (4) applies; and
  - (b) there is reasonable cause to believe that if the court's inherent jurisdiction is not exercised with respect to the child he is likely to suffer significant harm.
- (4) This paragraph applies to any order—
- (a) made otherwise than in the exercise of the court's inherent jurisdiction; and
  - (b) which the authority is entitled to apply for (assuming, in the case of any application which may only be made with leave, that leave is granted).
- (5) In this Article "the court" means the High Court.