
STATUTORY INSTRUMENTS

1985 No. 1638

The Child Abduction (Northern Ireland) Order 1985

Offence of abduction of child by other persons

4.—(1) Subject to^[F1] paragraph (3), a person, other than one mentioned in paragraph (2),] commits an offence if, without lawful authority or reasonable excuse, he takes or detains a child under the age of 16—

- (a) so as to remove him from the lawful control of any person having lawful control of the child; or
- (b) so as to keep him out of the lawful control of any person entitled to lawful control of the child.

[^{F1}(2) The persons are—

- (a) where the father and mother of the child in question were married to [^{F2}, or civil partners of,] each other at the time of his birth, the child's father and mother;
- (b) where the father and mother of the child in question were not married to [^{F3}, or civil partners of,] each other at the time of his birth, the child's mother; and
- (c) any other person mentioned in sub-paragraphs (c) to (e) of Article 3(2).

(3) In proceedings against any person for an offence under this Article, it shall be a defence for that person to prove—

- (a) where the father and mother of the child in question were not married to [^{F4}, or civil partners of,] each other at the time of his birth—
 - (i) that he is the child's father; or
 - (ii) that, at the time of the alleged offence, he believed, on reasonable grounds, that he was the child's father; or
- (b) that, at the time of the alleged offence, he believed that the child had attained the age of 16.]

F1 1995 NI 2

F2 Words in art. 4(2)(a) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **34(4)(a)** (with regs. 6-9)

F3 Words in art. 4(2)(b) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **34(4)(a)** (with regs. 6-9)

F4 Words in art. 4(3)(a) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **34(4)(b)** (with regs. 6-9)

Changes to legislation:

The Child Abduction (Northern Ireland) Order 1985, Section 4 is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 3\(2\)\(ca\) inserted by 2022 c. 18 \(N.I.\) Sch. 3 para. 4\(2\)](#)
- [art. 3\(3A\)\(a\)\(ia\) inserted by 2022 c. 18 \(N.I.\) Sch. 3 para. 4\(4\)\(b\)](#)