

SCHEDULES

SCHEDULE 3

Article 54(2).

SUPERVISION ORDERS

Meaning of “responsible person”

1. In this Schedule, “the responsible person”, in relation to a supervised child, means—

- (a) any person who has parental responsibility for the child; and
- (b) any other person with whom the child is living.

Power of supervisor to give directions to supervised child

2.—(1) A supervision order may require the supervised child to comply with any directions given by the supervisor which require him to do all or any of the following things—

- (a) to live at any place specified in the directions for any period so specified;
- (b) to present himself to any person specified in the directions at any place and on any day so specified;
- (c) to participate in activities specified in the directions on any day so specified.

(2) It shall be for the supervisor to decide whether, and when, and to what extent, he exercises his power to give directions and to decide the form of any directions which he gives.

(3) Sub-paragraph (1) does not confer on a supervisor power to give directions in respect of any medical or psychiatric examination or treatment (which are matters dealt with in paragraphs 4 and 5).

Imposition of obligations on responsible person

3.—(1) With the consent of any responsible person, a supervision order may include a requirement—

- (a) that he take all reasonable steps to ensure that the supervised child complies with any direction given by the supervisor under paragraph 2;
- (b) that he take all reasonable steps to ensure that the supervised child complies with any requirement included in the order under paragraph 4 or 5;
- (c) that he comply with any directions given by the supervisor requiring him to attend at a place specified in the directions for the purpose of taking part in activities so specified.

(2) A direction given under sub-paragraph (1)(c) may specify the time at which the responsible person is to attend and whether or not the supervised child is required to attend with him.

(3) A supervision order may require any person who is a responsible person in relation to the supervised child to keep the supervisor informed of his address, if it differs from the child's.

Psychiatric and medical examinations

- 4.—(1) A supervision order may require the supervised child—
- (a) to submit to a medical or psychiatric examination; or
 - (b) to submit to any such examination as directed by the supervisor.
- (2) Any such examination shall be required to be conducted—
- (a) by, or under the direction of, such medical practitioner as may be specified in the order;
 - (b) at a place specified in the order and at which the supervised child is to attend as a non-resident patient; or
 - (c) at a hospital at which the supervised child is, or is to attend as, a resident patient.
- (3) A requirement of a kind mentioned in sub-paragraph (2)(c) shall not be included unless the court is satisfied, on the evidence of a medical practitioner, that—
- (a) the child may be suffering from a physical or mental condition that requires, and may be susceptible to, treatment; and
 - (b) a period as a resident patient is necessary if the examination is to be carried out properly.
- (4) No court shall include a requirement under this paragraph in a supervision order unless it is satisfied—
- (a) where the child has sufficient understanding to make an informed decision, that he consents to its inclusion; and
 - (b) that satisfactory arrangements have been, or can be, made for the examination.
- (5) In this paragraph and paragraph 5 “hospital” does not include special accommodation within the meaning of the Mental Health (Northern Ireland) Order 1986(1).

Psychiatric and medical treatment

- 5.—(1) Where a court which proposes to make or vary a supervision order is satisfied, on the evidence of a medical practitioner appointed for the purposes of Part II of the Mental Health (Northern Ireland) Order 1986, that the mental condition of the supervised child—
- (a) is such as requires, and may be susceptible to, treatment; but
 - (b) is not such as to warrant his detention in pursuance of a hospital order under Part III of that Order,
- the court may include in the order a requirement that the supervised child shall, for a period specified in the order, submit to such treatment as is so specified.
- (2) The treatment specified in accordance with sub-paragraph (1) must be—
- (a) by, or under the direction of, such medical practitioner as may be specified in the order;
 - (b) as a non-resident patient at such a place as may be so specified; or
 - (c) as a resident patient in a hospital.
- (3) Where a court which proposes to make or vary a supervision order is satisfied, on the evidence of a medical practitioner, that the physical condition of the supervised child is such as requires, and may be susceptible to, treatment, the court may include in the order a requirement that the supervised child shall, for a period specified in the order, submit to such treatment as is so specified.
- (4) The treatment specified in accordance with sub-paragraph (3) must be—
- (a) by, or under the direction of, such medical practitioner as may be specified in the order;

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- (b) as a non-resident patient at such place as may be so specified; or
 - (c) as a resident patient in a hospital.
- (5) No court shall include a requirement under this paragraph in a supervision order unless it is satisfied—
- (a) where the child has sufficient understanding to make an informed decision, that he consents to its inclusion; and
 - (b) that satisfactory arrangements have been, or can be, made for the treatment.
- (6) If a medical practitioner by whom or under whose direction a supervised child is being treated in pursuance of a requirement included in a supervision order by virtue of this paragraph is unwilling to continue to treat or direct the treatment of the supervised child or is of the opinion that—
- (a) the treatment should be continued beyond the period specified in the order;
 - (b) the supervised child needs different treatment;
 - (c) he is not susceptible to treatment; or
 - (d) he does not require further treatment,
- the practitioner shall make a report in writing to that effect to the supervisor.
- (7) On receiving a report under this paragraph the supervisor shall refer it to the court, and on such a reference the court may make an order cancelling or varying the requirement.

Life of supervision order

- 6.—(1) Subject to sub-paragraph (2) and Article 179 (effect and duration of orders, etc.), a supervision order shall cease to have effect at the end of the period of one year beginning with the date on which it was made.
- (2) A supervision order shall also cease to have effect if an event mentioned in section 25(1) (a) or (b) of the Child Abduction and Custody Act 1985⁽²⁾ (termination of existing orders) occurs with respect to the child.
- (3) Where the supervisor applies to the court to extend, or further extend, a supervision order the court may extend the order for such period as it may specify.
- (4) A supervision order may not be extended so as to run beyond the end of the period of three years beginning with the date on which it was made.

Information to be given to supervisor, etc.

- 7.—(1) A supervision order may require the supervised child—
- (a) to keep the supervisor informed of any change in his address; and
 - (b) to allow the supervisor to visit him at the place where he is living.
- (2) The responsible person in relation to any child with respect to whom a supervision order is made shall—
- (a) if asked by the supervisor, inform him of the child's address (if it is known to him); and
 - (b) if he is living with the child, allow the supervisor reasonable contact with the child.

Selection of supervisor

8. A supervision order shall not designate an authority as the supervisor unless—

(2) 1985 c. 60

Status: This is the original version (as it was originally made).

- (a) the authority agrees; or
- (b) the supervised child lives or will live within the authority's area.

Effect of supervision order on earlier orders

9. The making of a supervision order with respect to any child brings to an end any earlier care or supervision order which—

- (a) was made with respect to that child; and
- (b) would otherwise continue in force.

Regulations

10. The Department may make regulations with respect to the exercise by an authority of its functions where a child has been placed under its supervision by a supervision order.