



# Children Act 1989

## 1989 CHAPTER 41

### PART V

#### PROTECTION OF CHILDREN

#### **50 Recovery of abducted children etc.**

- (1) Where it appears to the court that there is reason to believe that a child to whom this section applies—
  - (a) has been unlawfully taken away or is being unlawfully kept away from the responsible person;
  - (b) has run away or is staying away from the responsible person; or
  - (c) is missing,the court may make an order under this section (“a recovery order”).
- (2) This section applies to the same children to whom section 49 applies and in this section “the responsible person” has the same meaning as in section 49.
- (3) A recovery order—
  - (a) operates as a direction to any person who is in a position to do so to produce the child on request to any authorised person;
  - (b) authorises the removal of the child by any authorised person;
  - (c) requires any person who has information as to the child’s whereabouts to disclose that information, if asked to do so, to a constable or an officer of the court;
  - (d) authorises a constable to enter any premises specified in the order and search for the child using reasonable force if necessary.
- (4) The court may make a recovery order only on the application of—
  - (a) any person who has parental responsibility for the child by virtue of a care order or emergency protection order; or
  - (b) where the child is in police protection, the designated officer.
- (5) A recovery order shall name the child and—

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*Changes to legislation: Children Act 1989, Section 50 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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- (a) any person who has parental responsibility for the child by virtue of a care order or emergency protection order; or
  - (b) where the child is in police protection, the designated officer.
- (6) Premises may only be specified under subsection (3)(d) if it appears to the court that there are reasonable grounds for believing the child to be on them.
- (7) In this section—
- “an authorised person” means—
- (a) any person specified by the court;
  - (b) any constable;
  - (c) any person who is authorised—
    - (i) after the recovery order is made; and
    - (ii) by a person who has parental responsibility for the child by virtue of a care order or an emergency protection order, to exercise any power under a recovery order; and
- “the designated officer” means the officer designated for the purposes of section 46.
- (8) Where a person is authorised as mentioned in subsection (7)(c)—
- (a) the authorisation shall identify the recovery order; and
  - (b) any person claiming to be so authorised shall, if asked to do so, produce some duly authenticated document showing that he is so authorised.
- (9) A person shall be guilty of an offence if he intentionally obstructs an authorised person exercising the power under subsection (3)(b) to remove a child.
- (10) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (11) No person shall be excused from complying with any request made under subsection (3)(c) on the ground that complying with it might incriminate him or his spouse [<sup>F1</sup>or civil partner] of an offence; but a statement or admission made in complying shall not be admissible in evidence against either of them in proceedings for an offence other than perjury.
- (12) Where a child is made the subject of a recovery order whilst being looked after by a local authority, any reasonable expenses incurred by an authorised person in giving effect to the order shall be recoverable from the authority.
- (13) A recovery order shall have effect in Scotland as if it had been made by the Court of Session and as if that court had had jurisdiction to make it.
- (14) In this section “the court”, in relation to Northern Ireland, means a magistrates’ court within the meaning of the <sup>M1</sup>Magistrates’ Courts (Northern Ireland) Order 1981.

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**Extent Information**

**E1** S. 50 extends to England and Wales and Northern Ireland except s. 50(13) which also extends to Scotland. See s. 108(11)(12)

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**Textual Amendments**

**F1** Words in s. 50(11) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 261(1), [Sch. 27 para. 131](#); [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)

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**Modifications etc. (not altering text)**

- C1** S. 50 applied (14.10.1991) by S.I. 1991/2032, **art. 6(1)**.  
S. 50 applied (14.10.1991) by S.I. 1991/2032, **art. 7(1)**.

**Commencement Information**

- I1** S. 50 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

**Marginal Citations**

- M1** S.I. 1981/1675 (N.I. 26).

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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)