



Armed Forces Act 1991

1991 CHAPTER 62

PART III

PROTECTION OF CHILDREN OF SERVICE FAMILIES

19 Power to make orders for the emergency protection of children of service families.

- (1) Subject to subsection (2) below, the power to make an order under this section (in this Part of this Act referred to as a “protection order”) is exercisable only with respect to a child who—
 - (a) forms part of the family of a person subject to service law serving in a country or territory outside the United Kingdom or of a civilian in a corresponding position; and
 - (b) resides outside the United Kingdom with that family or another such family.
- (2) The power to make a protection order is also exercisable with respect to a child who, though not falling within paragraph (a) of subsection (1) above, is staying (for however short a time) with such a family as is referred to in that paragraph and is so exercisable as if he resided with that family; and any reference in the following provisions of this Part of this Act to a person with whom a child was at any time residing shall be construed accordingly.
- (3) On an application made by any person with respect to a child, the officer having jurisdiction may make a protection order with respect to the child if, but only if, he is satisfied that—
 - (a) there is reasonable cause to believe that the child is likely to suffer significant harm if he is not removed to accommodation provided by or on behalf of the applicant; or
 - (b) there is reasonable cause to believe that the child is likely to suffer significant harm if he does not remain in the place in which he is then being accommodated (whether or not that is the place where he is resident); or
 - (c) in the case of an application made by a designated person—

Status: Point in time view as at 01/06/1996. This version of this provision has been superseded.

Changes to legislation: Armed Forces Act 1991, Section 19 is up to date with all changes known to be in force on or before 01 June 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)

- (i) the applicant has reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm;
 - (ii) the applicant is making enquiries with respect to the child’s welfare; and
 - (iii) those enquiries are being frustrated by access to the child being unreasonably refused to the applicant or a person authorised by the applicant to seek access and the applicant has reasonable cause to believe that access to the child is required as a matter of urgency.
- (4) No protection order shall be made without affording—
- (a) the child to whom it is proposed that the order should relate,
 - (b) his parents,
 - (c) any other person who has parental responsibility for him, and
 - (d) any other person with whom he was residing immediately before the making of the application for the order,
- an opportunity to make representations to the officer to whom the application for the order is made, except where it appears to that officer that it would be undesirable to do so in the interests of the child or that it would be impracticable, or would cause unnecessary delay, to communicate with any parent of the child or with any such other person as is mentioned in paragraph (c) or paragraph (d) above.
- (5) Any person—
- (a) seeking access to a child in connection with enquiries of a kind mentioned in subsection (3)(c) above, and
 - (b) purporting to be a designated person or a person authorised by a designated person to seek such access,
- shall, on being asked to do so, produce some duly authenticated document as evidence that he is such a person.
- (6) Regulations may—
- (a) prescribe the descriptions of persons who for the purposes of this section are designated persons; and
 - (b) make provision with respect to the procedure to be followed on and in connection with the making of protection orders.
- (7) This section and sections 20 to 22 below have effect in place of section 14 of the ^{M1}Armed Forces Act 1981 (temporary removal to and detention in a place of safety abroad of children of service families in need of care or control).

Marginal Citations

M1 1981 c. 55.

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