



Armed Forces Act 1991

1991 CHAPTER 62

PART III

PROTECTION OF CHILDREN OF SERVICE FAMILIES

[^{F1}22A Removal and accommodation of children by service police in emergency

- (1) Where a service policeman has reasonable cause to believe that a relevant child would otherwise be likely to suffer significant harm, he may, if authorised—
 - (a) remove the child to suitable accommodation and keep him there; or
 - (b) take such steps as are reasonable to ensure that the child's removal from any service hospital, or other place, in which he is then being accommodated is prevented.
- (2) In this section, a child with respect to whom a service policeman has exercised the power under subsection (1) is referred to as having been taken into service police protection.
- (3) As soon as is reasonably practicable after taking a child into service police protection, the service policeman concerned shall—
 - (a) inform the appropriate service police officer of the steps that have been and are proposed to be taken under this Part of this Act with respect to the child and the reasons for taking them;
 - (b) give details to the appropriate service police officer of the place at which the child is being accommodated;
 - (c) inform the child (if he appears capable of understanding)—
 - (i) of the steps that have been taken with respect to him under this section and of the reasons for taking them; and
 - (ii) of the further steps that may be taken with respect to him under this Part of this Act;
 - (d) take such steps as are reasonably practicable to discover the wishes and feelings of the child;
 - (e) secure that the case is inquired into by the appropriate service police officer;

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- (f) secure that the child is moved to accommodation approved for the purpose by the appropriate service police officer (unless that officer approves the child's remaining where he is currently being accommodated);
 - (g) take such steps as are reasonably practicable to inform—
 - (i) the child's parents,
 - (ii) every person who is not a parent of the child but has parental responsibility for him, and
 - (iii) any other person with whom the child was residing immediately before being taken into service police protection,
 of the steps that he has taken under this section with respect to the child, the reasons for taking them and the further steps that may be taken with respect to him under this Part of this Act.
- (4) On completing any inquiry under subsection (3)(e) the officer conducting it shall release the child from service police protection unless he considers that there is still reasonable cause for believing that the child would be likely to suffer significant harm if released.
- (5) No child may be kept in service police protection for more than 72 hours.
- (6) While a child is being kept in service police protection—
- (a) the appropriate service police officer shall do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare (having regard in particular to the length of the period during which the child will be kept in service police protection); but
 - (b) neither he nor the service policeman who took the child into service police protection has any parental responsibility for him.
- (7) Where a child has been taken into service police protection, the appropriate service police officer shall allow—
- (a) the child's parents,
 - (b) any person who is not a parent of the child but has parental responsibility for him,
 - (c) any person with whom the child was residing immediately before he was taken into service police protection,
 - ^{F2}(ca) [any person who is named in a child arrangements order as a person with whom the child is to live, spend time or otherwise have contact,]
 - ^{F3}(cb) [any person in whose favour an order under section 51A of the Adoption and Children Act 2002 (post-adoption contact) is in force with respect to the child,]
 - (d) any person in whose favour a contact order is in force with respect to the child, and
 - (e) any person acting on behalf of any of those persons,
- to have such contact (if any) with the child as, in the opinion of the appropriate service police officer, is both reasonable and in the child's best interests.
- (8) In this section—
- “authorised”, in relation to a service policeman, means authorised, by an authorising service police officer and in accordance with regulations, to exercise the power under subsection (1) in the case in question;
 - “an authorising service police officer”, and “the appropriate service police officer” have the meanings given by regulations;

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“relevant child” means a child who falls within paragraph (a) or (b) of section 19(1) above;

[^{F4}“service policeman” has the meaning given by section 375(1) of the Armed Forces Act 2006.]]

Textual Amendments

- F1** S. 22A inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 13 para. 8**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F2** S. 22A(7)(ca) inserted (22.4.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 2 para. 57**; S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F3** S. 22A(7)(cb) inserted (22.4.2014) by Children and Families Act 2014 (c. 6), **ss. 9(11)**, 139(6); S.I. 2014/889, art. 4(a) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F4** Words in s. 22A(8) substituted (2.4.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 3 para. 1**; S.I. 2012/669, art. 4(d)

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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. 17(4)(dc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 11](#)
- s. 18(7)(dc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 12](#)
- s. 20(8)(cc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 13](#)
- s. 22A(7)(cc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 14](#)