STATUTORY RULES OF NORTHERN IRELAND

1996 No. 528

CHILDREN

The Children (Prescribed Orders — Isle of Man and Guernsey) Regulations (Northern Ireland) 1996

Made - - - -	*12th November 1996*
Coming into operation	*16th December 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 180 of the Children (Northern Ireland) Order 1995(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children (Prescribed Orders — Isle of Man and Guernsey) Regulations (Northern Ireland) 1996 and shall come into operation on 16th December 1996.

(2) In these Regulations—

"the Order" means the Children (Northern Ireland) Order 1995;

"the Act of Tynwald" means the Children and Young Persons Act 1966 (an Act of Tynwald)(**2**);

"the authority" means the authority in whose care the child is by virtue of a care order under the Order;

"the Children Board" means the States Children Board in Guernsey;

"the Department" means the Department of Health and Social Services for Northern Ireland;

"the Department of Health and Social Security" means the Department of Health and Social Security of the Isle of Man.

Transfer of care orders to Northern Ireland from the Isle of Man

2.—(1) A relevant order within the meaning of section 56(6) of the Act of Tynwald(**3**) (being an order made by a court in the Isle of Man which appears to the Department to correspond in its effect to an order which may be made under the Order) shall in the circumstances prescribed in

(**1**) S.I. 1995/755 (N.I. 2)
(**2**) Vol.XX p. 89
(**3**) Section 56 was substituted by section 2(1) of the Children and Young Persons Act 1990 (c. 13) (an Act of Tynwald) and amended by paragraph 2(4) of Schedule 5 to the Family Law Act 1991 (c. 3) (an Act of Tynwald)

paragraph (2) have effect for all purposes of the Order as if it were a care order under Article 50 of the Order placing the child in question in the care of the authority in whose area he is to live.

(2) The circumstances prescribed are—

(a) that the relevant order was made otherwise than on a finding of guilt;

(b) that either—

(i) the court has given leave under subsection (2) of section 56 of the Act of Tynwald for the Department of Health and Social Security to make arrangements for the child to be received into the care of that authority, or

(ii) the court has directed under subsection (5) of that section that the said subsection (2) shall not apply in relation to the order in question; and

(c) that the authority has agreed in writing to receive the child into its care.

Transfer of care orders from Northern Ireland to the Isle of Man

3. The conditions prescribed for the purposes of Article 180(1) of the Order (in the case of a child who is taken to live in the Isle of Man) are that—

(a) the court has given its approval under Article 33(1) of the Order to the authority arranging or assisting in arranging for the child to live in the Isle of Man;

(b) the Department of Health and Social Security has notified the court referred to in paragraph (*a*) in writing that it agrees to receive the child into its care; and

(c) the authority has notified the court referred to in paragraph (*a*) that it agrees to the Department of Health and Social Security receiving the child into care.

Transfer of care orders from Northern Ireland to Guernsey

4. The conditions prescribed for the purposes of Article 180(1) of the Order in the case of a child who is taken to live in Guernsey are that—

(a) the court has given its approval under Article 33(1) of the Order to the authority arranging or assisting in arranging for the child to live in care in Guernsey;

(b) the Children Board has notified the Guernsey Juvenile Court in writing that it agrees to receive the child into its care;

(c) the authority has notified the Guernsey Juvenile Court that it agrees to the Children Board receiving the child into care; and

(d) the Guernsey Juvenile Court has made a fit person order in respect of the child.

Transfer of recovery orders to Northern Ireland from the Isle of Man

5.—(1) For all the purposes of the Order, a recovery order under section 98B of the Act of Tynwald(**4**) (being an order made by a court in the Isle of Man which appears to the Department to correspond in its effect to an order which may be made under the Order) shall in the circumstances described in paragraph (2) have effect as if it were a recovery order made under Article 69 of the Order.

(2) The circumstances referred to in paragraph (1) are that section 98A of the Act of Tynwald(**5**) applies to the child in question otherwise than by virtue of an order committing him to the care of the Department of Health and Social Security on a finding of guilt.

(**4**) Section 98B was inserted by section 3(1) of the Children and Young Persons Act 1990 (an Act of Tynwald)
(**5**) Section 98A was inserted by section 3(1) of the Children and Young Persons Act 1990 (an Act of Tynwald)