

CHILDREN ACT 1989: EXCLUSION REQUIREMENT

Under s 38A(5) and s 44A(5) of the Children Act 1989 the court may attach a power of arrest to an exclusion requirement included in an interim care order or an emergency protection order. In cases where an order is made which includes an exclusion requirement, the following shall apply –

- 1.1** If a power of arrest is attached to the order then unless the person to whom the exclusion requirement refers was given notice of the hearing and attended the hearing, the name of that person and that an order has been made including an exclusion requirement to which a power of arrest has been attached shall be announced in open court at the earliest opportunity. This may be either on the same day when the court proceeds to hear cases in open court or where there is no further business in open court on that day at the next listed sitting of the court.
- 1.2** When a person arrested under a power of arrest cannot conveniently be brought before the relevant judicial authority sitting in a place normally used as a court room within 24 hours after the arrest, he may be brought before the relevant judicial authority at any convenient place but, as the liberty of the subject is involved, the press and the public should be permitted to be present, unless security needs make this impracticable.
- 1.3** Any order of committal made otherwise than in public or in a courtroom open to the public, shall be announced in open court at the earliest opportunity. This may be either on the same day when the court proceeds to hear cases in open court or where there is no further business in open court on that day at the next listed sitting of the court. The announcement shall state –
 - (a)** the name of the person committed,
 - (b)** in general terms the nature of the contempt of the court in respect of which the order of committal has been made and
 - (c)** the length of the period of committal.

