

Number 17 of 1991

CHILD CARE ACT, 1991

AN ACT TO PROVIDE FOR THE CARE AND PROTECTION OF
CHILDREN AND FOR RELATED MATTERS.

[10th July, 1991]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

(...)

PART III PROTECTION OF CHILDREN IN EMERGENCIES

Power of Garda

Síochána to

take a child to

safety.

12. —(1) Where a member of the Garda Síochána has reasonable grounds for believing that—

(a) there is an immediate and serious risk to the health or welfare of a child, and

(b) it would not be sufficient for the protection of the child from such immediate and serious risk to await the making of an application for an emergency care order by a health board under *section 13*,

the member, accompanied by such other persons as may be necessary, may, without warrant, enter (if need be by force) any house or other place (including any building or part of a building, tent, caravan or other temporary or moveable structure, vehicle, vessel, aircraft or hovercraft) and remove the child to safety.

(2) The provisions of *subsection (1)* are without prejudice to any other powers exercisable by a member of the Garda Síochána.

(3) Where a child is removed by a member of the Garda Síochána in accordance with *subsection (1)*, the child shall as soon as possible be delivered up to the custody of the health board for the area in which the child is for the time being.

(4) Where a child is delivered up to the custody of a health board in accordance with *subsection (3)*, the health board shall, unless it returns the child to the parent having custody of him or a person acting in *loco parentis*, make application for an emergency care order at the next sitting of the District Court held in the same district court district or, in the event that the next such sitting is not due to be held within three days of the date on which the child is delivered up to the custody of the health board, at a sitting of the District Court, which has been specially arranged under *section 13 (4)*, held within the said three days, and it shall be lawful for the health board to retain custody of the child pending the hearing of that application.

(...)