

**CHAPTER 19  
SECTION 4****WARDS OF COURT****1. INTRODUCTION**

This instruction contains guidance on the unauthorised removal of children from the United Kingdom who are wards of court.

**2. UNAUTHORISED REMOVAL FROM THE UK****2.1. Effect of the Child Abduction Act 1984**

It is a criminal offence under Section 1 of the Child Abduction Act 1984 for a parent or a person connected with a child to take or send him out of the United Kingdom without the consent of the other parent or similarly connected person or, if the child is subject to a court order prohibiting his removal from the country, without the consent of the court. Court orders or injunctions are not required for the Act to take effect (except in Scotland where special provisions apply) so long as the child is under the age of 16. If the child is 16 or over, removal is unlawful if there is a court order in existence prohibiting removal. Children of any age who are wards of court may not be removed from the jurisdiction of the court without the leave of the court.

On occasion members of the public ask IND to take action to prevent the unauthorised removal of such children. They should be advised to contact their local police for assistance as since 2 May 1986 the police have assumed responsibility for considering all such requests and for circulating to the ports details of children thought to be at risk of removal. Solicitors and other legal practitioners should be referred to the Principal Registry of the Family Division's Practice Direction of 14 April 1986.

**2.2. Police National Ports Office (NPO)**

Responsibility for assessing requests for port alert messages lies with the Police National Ports Office (NPO), situated at Queens Building, Heathrow. The NPO considers all cases under the terms of the Child Abduction Act 1984. The NPO also considers those few cases of children over the age of 16, but under 18, who are the subject of wardship orders or other court injunctions.

The NPO circulates to all ports, via Special Branch, a daily list of children in danger of imminent abduction from the United Kingdom. The list includes any new cases and cancellations. Lists are circulated Monday to Friday.

During the course of the day, Special Branch are liable to notify of further messages, and in these circumstances the list should be immediately amended and updated. At weekends the list issued on Friday should be similarly kept up-to-date until replaced by the new sheet the following Monday.

### 2.3. **Action by the immigration officer**

The role of the immigration officer in operating the scheme is limited to maintenance of the Port Alert Messages and identification of children passing through the embarkation control. All children under 18 travelling alone, and all children travelling in the company of one parent or an adult who is not a parent (except those travelling in organised groups), should be checked against the NPO daily sheet. If a child is found to be the subject of an entry, the immigration officer should immediately point out the child and any accompanying adults to the police. All identifications should be reported in writing to Passenger Casework Section.

### 2.4. **Wardship proceedings used to avoid immigration action.**

It is possible that in individual cases wardship proceedings may be used as a means for parent(s) or child(ren) to prevent or delay immigration action. Consequently, consideration may be given to instructing the Treasury Solicitor to intervene in the proceedings. A decision to intervene must be taken at not less than Assistant Director Level.

See *Chapter 8, Section 5, Annex T*, paragraph 7.6, for the procedures which should be followed when intervening.