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STATUTORY INSTRUMENTS

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**1995 No. 755**

**The Children (Northern Ireland) Order 1995**

**PART IV**

**SUPPORT FOR CHILDREN AND THEIR FAMILIES**

*Children in need and their families*

**General duty of authority to provide [<sup>F1</sup>social care] for children in need, their families and others**

**18.**—(1) It shall be the general duty of every authority (in addition to the other duties imposed by this Part)—

- (a) to safeguard and promote the welfare of children within its area who are in need; and
- (b) so far as is consistent with that duty, to promote the upbringing of such children by their families,

by providing a range and level of [<sup>F2</sup>social care] appropriate to those children's needs.

(2) For the purpose principally of facilitating its general duty under this Article, every authority shall have the specific powers and duties set out in Schedule 2.

(3) Any service provided by an authority in the exercise of functions conferred on it by this Article may be provided for the family of a particular child in need or for any member of his family, if the service is provided with a view to safeguarding or promoting the child's welfare.

(4) The Department may by order amend any provision of Schedule 2 or add any further duty or power to those mentioned there.

(5) Every authority—

- (a) shall facilitate the provision by others (including in particular voluntary organisations) of services which the authority has power to provide by virtue of this Article or Article 19, 21, 27, [<sup>F3</sup> 34C to 34E, 35A or 35B]; and
- (b) may make such arrangements as it sees fit for any person to act on its behalf in the provision of any such service.

(6) The services provided by an authority in the exercise of functions conferred on it by this Article may include giving assistance in kind or, in exceptional circumstances, in cash.

(7) Assistance may be unconditional or subject to conditions as to the repayment of the assistance or of its value (in whole or in part).

(8) Before giving any assistance or imposing any conditions, an authority shall have regard to the means of the child concerned and of each of his parents.

(9) No person shall be liable to make any repayment of assistance or of its value at any time when he is in receipt [<sup>F4</sup>of universal credit (except in such circumstances as may be prescribed),] of income support, [<sup>F5</sup> of any element of child tax credit other than the family element, of working

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Children (Northern Ireland) Order 1995*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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tax credit]<sup>F6</sup>, of an income-based jobseeker's allowance or of an income-related employment and support allowance].

[<sup>F7</sup>(10) The Treasury may by regulations prescribe circumstances in which a person is to be treated for the purposes of this Part (or for such of those purposes as are prescribed) as in receipt of any element of child tax credit other than the family element or of working tax credit.]

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|-----------|--|
| <b>F1</b> | Words in art. 18 heading substituted (1.4.2009) by <a href="#">Health and Social Care (Reform) Act (Northern Ireland) 2009</a> (c. 1), ss. 32, 34(3), <b>Sch. 6 para. 1(1)(a)</b> (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, <b>art. 2</b>                    |
| <b>F2</b> | Words in art. 18(1) substituted (1.4.2009) by <a href="#">Health and Social Care (Reform) Act (Northern Ireland) 2009</a> (c. 1), ss. 32, 34(3), <b>Sch. 6 para. 1(1)(a)</b> (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, <b>art. 2</b>                         |
| <b>F3</b> | 2002 c. 11 (NI)  |
| <b>F4</b> | Words in art. 18(9) inserted (27.9.2017) by <a href="#">The Welfare Reform (Northern Ireland) Order 2015</a> (S.I. 2015/2006), art. 2(2), <b>Sch. 2 para. 28(a)</b> ; S.R. 2017/190, art. 4(1)(2)(g)(i)  |
| <b>F5</b> | 2002 c. 21   |
| <b>F6</b> | Words in art. 18(9) substituted (27.10.2008) by <a href="#">Welfare Reform Act (Northern Ireland) 2007</a> (c. 2), ss. 28(1), 60(1), <b>Sch. 3 para. 5(3)</b> (with transitional provisions in s. 29, Sch. 4); S.R. 2008/276, <b>art. 2(2)(d)</b> , Sch. Pt. 2 |
| <b>F7</b> | 2002 c. 21   |

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**Changes and effects yet to be applied to :**

- art. 18(9) words repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#)
- art. 18(9) words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- art. 18(10) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 45(2)(e) words repealed by [2022 c. 18 \(N.I.\) Sch. 5](#)
- art. 7(2A)(ba) substituted for word by [2009 c. 24 Sch. 6 para. 26\(2\)](#)
- art. 7(2B)(ba) substituted for word by [2009 c. 24 Sch. 6 para. 26\(3\)](#)
- art. 8(4)(ha) applied by [2022 c. 18 \(N.I.\) s. 116](#)
- art. 10(5A) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 26\(b\)](#)
- art. 10(7A) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 26\(c\)](#)
- art. 14A?-14F and cross-heading inserted by [2022 c. 18 \(N.I.\) s. 119\(1\)](#)
- art. 14A(7) applied (with modifications) for specified purposes by [2022 c. 18 \(N.I.\) s. 26\(6\)](#)
- art. 14C(1)(b) applied (with modifications) for specified purposes by [2022 c. 18 \(N.I.\) s. 26\(7\)\(a\)](#)
- art. 14C(3)(4) excluded by [2022 c. 18 \(N.I.\) s. 26\(7\)\(b\)](#)
- art. 18(4A) inserted by [2022 c. 18 \(N.I.\) s. 120\(1\)](#)
- art. 18(6)-(6C) substituted for art. 18(6) by [2022 c. 18 \(N.I.\) s. 121\(1\)](#)
- art. 22(3)(aa) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 29](#)
- art. 26(1A) inserted by [2022 c. 18 \(N.I.\) s. 122\(1\)](#)
- art. 26A inserted by [2022 c. 18 \(N.I.\) s. 123](#)
- art. 27(7A) inserted by [2022 c. 18 \(N.I.\) s. 125\(3\)](#)
- art. 27(8)(c) and word added by [2022 c. 18 \(N.I.\) s. 122\(2\)\(b\)](#)
- art. 27(9A)-(9D) inserted by [2022 c. 18 \(N.I.\) s. 124](#)
- art. 28(4) inserted by [2022 c. 18 \(N.I.\) s. 125\(4\)](#)
- art. 28A inserted by [2022 c. 18 \(N.I.\) s. 126](#)
- art. 28B inserted by [2022 c. 18 \(N.I.\) s. 127](#)
- art. 33(9) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 31\(c\)](#)
- art. 34E(1)(d) and word inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 32\(a\)\(iii\)](#)
- art. 34E(3)(4) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 32\(b\)](#)
- art. 34F(1)(aa) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 33\(a\)\(i\)](#)
- art. 34F(1A)-(1D) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 33\(b\)](#)
- art. 34G inserted by [2022 c. 18 \(N.I.\) s. 129](#)
- art. 34AA inserted by [2022 c. 18 \(N.I.\) s. 128\(1\)](#)
- art. 34DA inserted by [2022 c. 18 \(N.I.\) s. 128\(2\)](#)
- art. 34DB34DC inserted by [2022 c. 18 \(N.I.\) s. 128\(3\)](#)
- art. 35(1)-(1B) substituted for art. 35(1) by [2022 c. 18 \(N.I.\) Sch. 3 para. 34\(a\)](#)
- art. 35(5)(za) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 34\(c\)](#)
- art. 35D(1)(aa)(ab) inserted by [2022 c. 18 \(N.I.\) s. 128\(4\)](#)
- art. 35D(1A) inserted by [2022 c. 18 \(N.I.\) s. 130\(1\)](#)
- art. 45(2)(e)(i)(ii) inserted by [2022 c. 18 \(N.I.\) s. 131\(a\)](#)
- art. 45(2)(f)(i)-(iii) inserted by [2022 c. 18 \(N.I.\) s. 131\(b\)](#)
- art. 45(3A)-(3C) inserted by [2022 c. 18 \(N.I.\) s. 130\(4\)](#)
- art. 45(4A) inserted by [2022 c. 18 \(N.I.\) s. 130\(6\)](#)

- art. 45(5A) inserted by 2022 c. 18 (N.I.) s. 130(7)
- art. 45A?? inserted by 2022 c. 18 (N.I.) s. 132
- art. 50A?? inserted by 2022 c. 18 (N.I.) s. 134(1)
- art. 53(1)(ba) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 38(b)
- art. 53(6A) inserted by 2022 c. 18 (N.I.) s. 135(3)
- art. 53(8)(za) inserted by 2022 c. 18 (N.I.) s. 135(4)
- art. 57(3A) inserted by 2022 c. 18 (N.I.) s. 119(3)
- art. 60(6)(ha) inserted by 2022 c. 18 (N.I.) s. 138
- art. 66(5A) inserted by 2022 c. 18 (N.I.) s. 120(3)
- art. 107(7)(c) added by 2022 c. 18 (N.I.) s. 139(4)
- art. 108(2A) inserted by 2022 c. 18 (N.I.) s. 140(3)
- art. 108(3)(c) and word added by 2022 c. 18 (N.I.) s. 140(4)(c)
- art. 112A inserted by 2022 c. 18 (N.I.) s. 141
- art. 159(1)(c) and word added by 2022 c. 18 (N.I.) s. 119(4)(b)
- art. 165(2)(k) inserted by 2011 c. 24 (N.I.) s. 95(3)
- art. 170(2)-(9A) modified by 2022 c. 18 (N.I.) s. 105(3)
- art. 170(9A) inserted by 2022 c. 18 (N.I.) s. 142
- art. 179(5A) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 42
- art. 181(1) art. 181 renumbered as art. 181 (1) by 2022 c. 18 (N.I.) s, 143(3)
- art. 181(1) words substituted by 2022 c. 18 (N.I.) s. 143(4)
- art. 181(2) added by 2022 c. 18 (N.I.) s. 143(5)
- art. 183(2A) inserted by 2022 c. 18 (N.I.) s. 130(8)