

STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART IV **N.I.**

SUPPORT FOR CHILDREN AND THEIR FAMILIES

Contributions towards maintenance of children looked after by an authority

Liability to contribute **N.I.**

39.—(1) Where an authority is looking after a child (other than in the cases mentioned in paragraph (7)), the authority shall consider whether it should recover contributions towards the child's maintenance from any person liable to contribute (a “contributor”).

(2) An authority may only recover contributions from a contributor if the authority considers it reasonable to do so.

(3) The persons liable to contribute are—

- (a) where the child is under 16, each of his parents;
- (b) where he has reached the age of 16, the child himself.

(4) A person shall not be liable to contribute during any period when he is in receipt [^{F1}of universal credit (except in such circumstances as may be prescribed),] of income support, [^{F2}of any element of child tax credit other than the family element, of working tax credit] [^{F3}, of an income-based jobseeker's allowance or of an income-related employment and support allowance].

(5) A person shall not be liable to contribute towards the maintenance of a child in the care of an authority in respect of any period during which the child is allowed by the authority (under Article 27(5)) to live with a parent of his.

(6) A contributor shall not be obliged to make any contribution towards a child's maintenance except as agreed or determined in accordance with Articles 40 to 43.

(7) The cases referred to in paragraph (1) are where the child is looked after by an authority under—

- (a) Article 23;
- (b) an interim care order.

F1 Words in art. 39(4) inserted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 2 para. 28\(d\)](#); S.R. 2017/190, art. 4(1)(2)(g)(i)

F2 2002 c. 21

F3 Words in art. 39(4) substituted (27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), ss. 28(1), 60(1), [Sch. 3 para. 5\(6\)](#) (with transitional provisions in s. 29, Sch. 4); S.R. 2008/276, [art. 2\(2\)\(d\)](#), Sch. Pt. 2

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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- art. 39 power to apply in part (with modifications) or exclude in part conferred by [2022 c. 18 \(N.I.\) s. 52\(1\)\(2\)](#)
- art. 39(4) words repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#)
- art. 39(4) words 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)