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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**

*Contributions towards maintenance of children looked after by an authority*

**Contribution orders**

**41.**—(1) Where a contributor has been served with a contribution notice and has—

(a) failed to reach any agreement with the authority as mentioned in Article 40(7) within the period of one month beginning with the day on which the contribution notice was served; or

(b) served a notice under Article 40(8) withdrawing his agreement,

the authority may apply to the court for an order under this Article.

(2) On such an application the court may make an order (a “contribution order”) requiring the contributor to contribute a weekly sum towards the child’s maintenance in accordance with arrangements for payment specified by the court.

(3) A contribution order—

(a) shall not specify a weekly sum greater than that specified in the contribution notice; and

(b) shall be made with due regard to the contributor’s means.

(4) A contribution order shall not—

(a) take effect before the date specified in the contribution notice; or

(b) have effect while the contributor is not liable to contribute (by virtue of Article 39); or

(c) remain in force after the child has ceased to be looked after by the authority which obtained the order.

(5) An authority shall not apply to the court under paragraph (1) in relation to a contribution notice which the authority has withdrawn.

(6) Where—

(a) a contribution order is in force;

(b) the authority serves another contribution notice; and

(c) the contributor and the authority reach an agreement under Article 40(7) in respect of that other contribution notice,

the effect of the agreement shall be to discharge the order from the date on which it is agreed that the agreement shall take effect.

(7) Where an agreement is reached under paragraph (6) the authority shall notify the court—

(a) of the agreement; and

- (b) of the date on which it took effect.
- (8) A contribution order may be varied or revoked on the application of the contributor or the authority.
- (9) In proceedings for the variation of a contribution order, the authority shall specify—
  - (a) the weekly sum which, having regard to Article 40, the authority proposes that the contributor should contribute under the order as varied; and
  - (b) the proposed arrangements for payment.
- (10) Where a contribution order is varied, the order—
  - (a) shall not specify a weekly sum greater than that specified by the authority in the proceedings for variation; and
  - (b) shall be made with due regard to the contributor's means.
- (11) An appeal shall lie in accordance with rules of court from any order made under this Article.