

Children Act 1989

1989 CHAPTER 41

PART III

[F1SUPPORT FOR CHILDREN AND FAMILIES PROVIDED BY LOCAL AUTHORITIES IN ENGLAND]

[FI Personal advisers and pathway plans]

Textual Amendments

F1 Ss. 23D, 23E and cross-heading inserted (1.10.2001) by 2000 c. 35, s. 3; S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2

[F223D Personal advisers.

- (1) The [F3Secretary of State] may by regulations require local authorities to appoint a personal adviser for children or young persons of a prescribed description who have reached the age of sixteen but not the age of [F4twenty-five] who are not—
 - (a) children who are relevant children for the purposes of section 23A;
 - (b) the young persons referred to in section 23C; or
 - (c) the children referred to in paragraph 19C of Schedule 2. [F5; or
 - (") persons to whom section 23CA applies.]
- (2) Personal advisers appointed under or by virtue of this Part shall (in addition to any other functions) have such functions as the [F6Secretary of State] prescribes.]
- [F7(3) Where a local authority in England ceases to be under a duty to provide a personal adviser for a person under any provision of this Part, that does not affect any other duty under this Part to provide a personal adviser for the person.
 - (4) Where a local authority in England has more than one duty under this Part to provide a personal adviser for a person, each duty is discharged by the provision of the same

personal adviser (the local authority are not required to provide more than one personal adviser for the person).]

Textual Amendments

- F2 Ss. 23D, 23E and cross-heading inserted (1.10.2001) by 2000 c. 35, s. 3; S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2
- F3 Words in s. 23D(1) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 79(a)
- F4 Word in s. 23D(1) substituted (1.1.2010 for E. and 26.4.2010 for W.) by Children and Young Persons Act 2008 (c. 23), ss. 23(1)(a), 44; S.I. 2009/3354, art. 3(1); S.I. 2010/1329, art. 2(i)
- F5 S. 23D(1)(d) and word inserted (1.1.2010 for E. and 26.4.2010 for W.) by Children and Young Persons Act 2008 (c. 23), ss. 23(1)(b), 44; S.I. 2009/3354, art. 3(1); S.I. 2010/1329, art. 2(i)
- Words in s. 23D(2) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 79(b)
- F7 S. 23D(3)(4) inserted (1.4.2018) by Children and Social Work Act 2017 (c. 16), ss. 3(4), 70(2); S.I. 2018/346, reg. 4(c)

[F823E Pathway plans.

- (1) In this Part, a reference to a "pathway plan" is to a plan setting out—
 - (a) in the case of a plan prepared under paragraph 19B of Schedule 2—
 - (i) the advice, assistance and support which the local authority intend to provide a child under this Part, both while they are looking after him and later; and
 - (ii) when they might cease to look after him;
 - [in the case of a plan prepared under section 23CZB, the advice and support that the local authority intend to provide;] and
 - (b) in the case of a plan prepared under section 23B [F10 or 23CA], the advice, assistance and support which the local authority intend to provide under this Part,

and dealing with such other matters (if any) as may be prescribed $[^{F11}$ in regulations made by the Secretary of State].

- [A local authority may carry out an assessment under section 23CZB(5) of a person's F12(1ZA) needs at the same time as any assessment of the person's needs is made under section 23CA(3).]
- [A local authority may carry out an assessment under section 23B(3) [F14, 23CZB(5) IA)] or 23CA(3) of a person's needs at the same time as any assessment of his needs is made under—
 - (a) the Chronically Sick and Disabled Persons Act 1970;
 - (b) Part 4 of the Education Act 1996 [F15 or Part 3 of the Children and Families Act 2014] (in the case of an assessment under section 23B(3));
 - [Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act F16(ba) 2018;]
 - (c) the Disabled Persons (Services, Consultation and Representation) Act 1986; or
 - (d) any other enactment.

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- (1B) The [F17Secretary of State] may by regulations make provision as to assessments for the purposes of section 23B(3) [F18, 23CZB(5)] or 23CA.
- (1C) Regulations under subsection (1B) may in particular make provision about—
 - (a) who is to be consulted in relation to an assessment;
 - (b) the way in which an assessment is to be carried out, by whom and when;
 - (c) the recording of the results of an assessment;
 - (d) the considerations to which a local authority are to have regard in carrying out an assessment.
- (1D) A local authority shall keep each pathway plan prepared by them under section 23B [F19, 23CZB] or 23CA under review.]
 - (2) The [F20 Secretary of State] may by regulations make provision about pathway plans and their review.]

Textual Amendments

- F8 Ss. 23D, 23E and cross-heading inserted (1.10.2001) by 2000 c. 35, s. 3; S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2
- F9 S. 23E(1)(aa) inserted (1.4.2018) by Children and Social Work Act 2017 (c. 16), ss. 3(6), 70(2); S.I. 2018/346, reg. 4(c)
- **F10** Words in s. 23E(1)(b) inserted (1.4.2011 for E., 19.6.2012 for W.) by Children and Young Persons Act 2008 (c. 23), **ss. 22(4)**, 44(4); S.I. 2010/2981, art. 4(g); S.I. 2012/1553, art. 2(a)
- F11 Words in s. 23E(1) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 80(a)
- **F12** S. 23E(1ZA) inserted (1.4.2018) by Children and Social Work Act 2017 (c. 16), **ss. 3(7)**, 70(2); S.I. 2018/346, reg. 4(c)
- F13 S. 23E(1A)-(1D) inserted (1.9.2009 for certain purposes for E., 26.4.2010 for certain purposes for W., 1.4.2011 for E. so far as not already in force, 19.6.2012 for W. so far as not already in force) by Children and Young Persons Act 2008 (c. 23), ss. 22(5), 44; S.I. 2009/2273, art. 2(2)(g); S.I. 2010/1329, art. 2(h); S.I. 2010/2981, art. 4(g) (with art. 6)
- **F14** Word in s. 23E(1A) inserted (1.4.2018) by Children and Social Work Act 2017 (c. 16), **ss. 3(8)**, 70(2); S.I. 2018/346, reg. 4(c)
- F15 Words in s. 23E(1A)(a) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 65(2); S.I. 2014/889, art. 7(a)
- F16 S. 23E(1A)(ba) inserted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), Sch. 1 para. 2(2)(b); S.I. 2021/373, art. 8(j)(ii)
- F17 Words in s. 23E(1B) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 80(b)
- **F18** Word in s. 23E(1B) inserted (1.4.2018) by Children and Social Work Act 2017 (c. 16), **ss. 3(9)**, 70(2); S.I. 2018/346, reg. 4(c)
- **F19** Word in s. 23E(1D) inserted (1.4.2018) by Children and Social Work Act 2017 (c. 16), **ss. 3(10)**, 70(2); S.I. 2018/346, reg. 4(c)
- **F20** Words in s. 23E(2) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **80(c)**

[F2124 Persons qualifying for advice and assistance.

[In this Part "a person qualifying for advice and assistance" means a person to whom $^{\text{F22}}(1)$ subsection (1A) or (1B) applies.

- (1A) This subsection applies to a person—
 - (a) who has reached the age of sixteen but not the age of twenty-one;
 - (b) with respect to whom a special guardianship order is in force (or, if he has reached the age of eighteen, was in force when he reached that age); and
 - (c) who was, immediately before the making of that order, looked after by a local authority.
- (1B) This subsection applies to a person to whom subsection (1A) does not apply, and who—
 - (a) is under twenty-one; and
 - (b) at any time after reaching the age of sixteen but while still a child was, but is no longer, looked after, accommodated or fostered.]
 - (2) In [F23 subsection (1B)(b)], "looked after, accommodated or fostered" means—
 - (a) looked after by a local authority [F24(without subsequently being looked after by a local authority in Wales)];
 - (b) accommodated by or on behalf of a voluntary organisation;
 - (c) accommodated in a private children's home;
 - (d) accommodated for a consecutive period of at least three months—
 - (i) by any [F25 Local Health Board], Special Health Authority F26 ... [F27 or by a local authority in the exercise of education functions], or
 - (ii) in any care home or independent hospital or in any accommodation provided [F28 pursuant to arrangements made by the Secretary of State, [F29 NHS England] or [F30 an integrated care board] under the National Health Service Act 2006 or by a National Health Service trust [F31 or an NHS foundation trust] [F32, or by a local authority in Wales in the exercise of education functions]; or
 - (e) privately fostered.
 - (3) Subsection (2)(d) applies even if the period of three months mentioned there began before the child reached the age of sixteen.
 - (4) In the case of a person qualifying for advice and assistance by virtue of subsection (2) (a), it is the duty of the local authority which last looked after him to take such steps as they think appropriate to contact him at such times as they think appropriate with a view to discharging their functions under sections 24A and 24B.
 - (5) In each of sections 24A and 24B, the local authority under the duty or having the power mentioned there ("the relevant authority") is—
 - [in the case of a person to whom subsection (1A) applies, a local authority determined in accordance with regulations made by the [F34Secretary of State];]
 - (a) in the case of a person qualifying for advice and assistance by virtue of subsection (2)(a), the local authority which last looked after him; or
 - (b) in the case of any other person qualifying for advice and assistance, the local authority within whose area the person is (if he has asked for help of a kind which can be given under section 24A or 24B).]

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Textual Amendments

- **F21** Ss. 24, 24A, 24B, 24C substituted for s. 24 (1.10.2001) by 2000 c. 35, s. 4(1); S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2
- **F22** S. 24(1)-(1B) substituted (30.12.2005) for s. 24(1) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 60(a) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- **F23** Words in s. 24(2) substituted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 60(b) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F24 Words in s. 24(2)(a) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 81(a)
- F25 Words in s. 24(2)(d)(i) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), arts. 2, 3, Sch. para. 20(2)(b)
- **F26** Words in s. 24(2)(d)(i) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para.** 49(a); S.I. 2013/160, art. 2(2) (with arts. 7-10Sch. para. 14)
- F27 Words in s. 24(2)(d)(i) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), Sch. 2 para. 37(2)
- **F28** Words in s. 24(2)(d)(ii) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5** para. 49(b); S.I. 2013/160, art. 2(2) (with arts. 7-10Sch. para. 14)
- **F29** Words in s. 24 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para.** 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- **F30** Words in s. 24(2)(d)(ii) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4** para. 29; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- **F31** Words in s. 24(2)(d)(ii) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 34, **Sch. 4 para. 76**; S.I. 2004/759, **art. 2**
- **F32** Words in s. 24(2)(d)(ii) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **81(b)**
- **F33** S. 24(5)(za) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 60(c) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F34 Words in s. 24(5)(za) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 81(c)

Modifications etc. (not altering text)

C1 S. 24(2)(c)(d)(ii) amended (*temp*. from 1.10.2001) by 2000 c. 35, s. 4(2)(a)(b); S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2

[F35 24A Advice and assistance.

- (1) The relevant authority shall consider whether the conditions in subsection (2) are satisfied in relation to a person qualifying for advice and assistance.
- (2) The conditions are that—
 - (a) he needs help of a kind which they can give under this section or section 24B; and
 - (b) in the case of a person [F36to whom section 24(1A) applies, or to whom section 24(1B) applies and] who was not being looked after by any local authority [F37or local authority in Wales], they are satisfied that the person by whom he was being looked after does not have the necessary facilities for advising or befriending him.
- (3) If the conditions are satisfied—

- (a) they shall advise and befriend him if [F38he is a person to whom section 24(1A) applies, or he is a person to whom section 24(1B) applies and] he was being looked after by a local authority [F39 (without subsequently being looked after by a local authority in Wales)] or was accommodated by or on behalf of a voluntary organisation; and
- (b) in any other case they may do so.
- (4) Where as a result of this section a local authority are under a duty, or are empowered, to advise and befriend a person, they may also give him assistance.
- (5) The assistance may be in kind [F40 and, in exceptional circumstances, assistance may be given—
 - (a) by providing accommodation, if in the circumstances assistance may not be given in respect of the accommodation under section 24B, or
 - (b) in cash].
- (6) Subsections (7) to (9) of section 17 apply in relation to assistance given under this section or section 24B as they apply in relation to assistance given under that section.]

Textual Amendments

- F35 Ss. 24, 24A, 24B, 24C substituted for s. 24 (1.10.2001) by 2000 c. 35, s. 4(1); S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2
- **F36** Words in s. 24A(2)(b) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 61(a) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F37 Words in s. 24A(2)(b) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 82(a)
- **F38** Words in s. 24A(3)(a) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 61(b) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- **F39** Words in s. 24A(3)(a) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **82(b)**
- **F40** Words in s. 24A(5) substituted (7.11.2002) by 2002 c. 38, ss. 116(3), 148 (with Sch. 4 paras. 6-8)

Modifications etc. (not altering text)

C2 S. 24A restricted (8.1.2002) by 2002 c. 41, s. 54, Sch. 3 (with s. 159); S.I. 2002/2811, art. 2, Sch.

[F41 24B Employment, education and training.

- (1) The relevant local authority may give assistance to any person who qualifies for advice and assistance by virtue of [F42 section 24(1A) or] section 24(2)(a) by contributing to expenses incurred by him in living near the place where he is, or will be, employed or seeking employment.
- (2) The relevant local authority may give assistance to a person to whom subsection (3) applies by—
 - (a) contributing to expenses incurred by the person in question in living near the place where he is, or will be, receiving education or training; or
 - (b) making a grant to enable him to meet expenses connected with his education or training.
- (3) This subsection applies to any person who—
 - (a) is under [F43twenty-five]; and

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- (b) qualifies for advice and assistance by virtue of [F42 section 24(1A) or] section 24(2)(a), or would have done so if he were under twenty-one.
- (4) Where a local authority are assisting a person under subsection (2) they may disregard any interruption in his attendance on the course if he resumes it as soon as is reasonably practicable.
- (5) Where the local authority are satisfied that a person to whom subsection (3) applies who is in full-time further or higher education needs accommodation during a vacation because his term-time accommodation is not available to him then, they shall give him assistance by—
 - (a) providing him with suitable accommodation during the vacation; or
 - (b) paying him enough to enable him to secure such accommodation himself.
- (6) The [F44Secretary of State] may prescribe the meaning of "full-time", "further education", "higher education" and "vacation" for the purposes of subsection (5).]

Textual Amendments

- F41 Ss. 24, 24A, 24B, 24C substituted for s. 24 (1.10.2001) by 2000 c. 35, s. 4(1); S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2
- **F42** Words in s. 24B(1)(3)(b) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 62 (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- **F43** Word in s. 24B(3)(a) substituted (1.4.2011 for E., 19.6.2012 for W.) by Children and Young Persons Act 2008 (c. 23), ss. 23(2), 44(4); S.I. 2010/2981, art. 4(h); S.I. 2012/1553, art. 2(b)
- **F44** Words in s. 24B(6) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **83**

Modifications etc. (not altering text)

C3 S. 24B restricted (8.1.2003) by 2002 c. 41, s. 54, Sch. 3 (with s. 159); S.I. 2002/2811, art. 2, Sch.

[F4524C Information.

- (1) Where it appears to a local authority that a person—
 - (a) with whom they are under a duty to keep in touch under section 23B, 23C or 24; or
 - (b) whom they have been advising and befriending under section 24A; or
 - (c) to whom they have been giving assistance under section 24B,

proposes to live, or is living, in the area of another local authority [^{F46}, or in the area of a local authority in Wales], they must inform that other authority.

[^{F47}(2) Where a child who is accommodated in England—

- (a) by a voluntary organisation or in a private children's home;
- (b) by or on behalf of any Local Health Board or Special Health Authority;
- (c) by or on behalf of [F48 an integrated care board] or [F49 NHS England];
- (d) by or on behalf of a local authority in the exercise of education functions;
- (e) by or on behalf of a local authority in Wales in the exercise of education functions;
- (f) in any care home or independent hospital; or
- (g) in any accommodation provided by or on behalf of a National Health Service trust or by or on behalf of an NHS Foundation Trust,

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ceases to be so accommodated after reaching the age of 16, the person by whom or on whose behalf the child was accommodated or who carries on or manages the home or hospital (as the case may be) must inform the local authority or local authority in Wales within whose area the child proposes to live.

- (3) Subsection (2) only applies, by virtue of [F50 any of paragraphs (b) to (g)], if the accommodation has been provided for a consecutive period of at least three months.
- [F51(4) In a case where a child was accommodated by or on behalf of a local authority, or a local authority in Wales, in the exercise of education functions, subsection (2) applies only if the authority who accommodated the child is different from the authority within whose area the child proposes to live.]

Textual Amendments

- F45 Ss. 24, 24A, 24B, 24C substituted for s. 24 (1.10.2001) by 2000 c. 35, s. 4(1); S.I. 2001/2191, art. 2 ; S.I. 2001/2878, art. 2
- Words in s. 24C(1) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 84(a)
- S. 24C(2) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 84(b)
- Words in s. 24C(2)(c) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 30; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- Words in s. 24C substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. **1(1)(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F50 Words in s. 24C(3) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 84(c)
- S. 24C(4) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 84(d)

Representations: sections 23A to 24B.

- F5224D

 (1) Every local authority shall establish a procedure for considering representations
 - a relevant child for the purposes of section 23A or a young person falling within section 23C;
 - a person qualifying for advice and assistance; or
 - (c) a person falling within section 24B(2),

about the discharge of their functions under this Part in relation to him.

- [Regulations may be made by the [F54Secretary of State] imposing time limits on the F53(1A) making of representations under subsection (1).]
 - (2) In considering representations under subsection (1), a local authority shall comply with regulations (if any) made by the [F55Secretary of State] for the purposes of this subsection.]]

Textual Amendments

- F45 Ss. 24, 24A, 24B, 24C substituted for s. 24 (1.10.2001) by 2000 c. 35, s. 4(1); S.I. 2001/2191, art. 2 ; S.I. 2001/2878, art. 2
- F52 S. 24D inserted (1.10.2001) by 2000 c. 35, s. 5; S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2

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- **F53** S. 24D(1A) inserted (7.12.2004) by 2002 c. 38, ss. 117(1), 148 (with Sch. 4 paras. 6-8); S.I. 2004/3203, art. 2(m)(xi)
- F54 Words in s. 24D(1A) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 85(a)
- Words in s. 24D(2) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **85(b)**

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

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

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)