

Changes to legislation: Children Act 1989, Paragraph 23 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

[^{F1}SUPPORT FOR CHILDREN AND FAMILIES PROVIDED BY LOCAL AUTHORITIES IN ENGLAND]

Textual Amendments

- F1** Sch. 2 heading 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), **121**

Modifications etc. (not altering text)

- C1** Sch. 2 modified (temp.) (12.2.2009 for E. and 31.3.2010 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. 8(3), 44, **Sch. 2 para. 2**; S.I. 2009/268, **art. 3(1)(b)**; S.I. 2010/749, **art. 2(a)**

Commencement Information

- II** Sch. 2 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828](#), **art. 3(2)**

PART III

CONTRIBUTIONS TOWARDS MAINTENANCE OF CHILDREN LOOKED AFTER BY LOCAL AUTHORITIES [^{F1}IN ENGLAND]

Textual Amendments

- F1** Words in Sch. 2 Pt. 3 heading 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), **118**

Modifications etc. (not altering text)

- C1** Sch. 2 Pt. III modified (30.12.2005) by [2002 c. 38](#), ss. **53(4)-(6)**, 148 (with [Sch. 4 paras. 1, 6-8](#)); S.I. 2005/2213, {art. 2(c)}

Contribution orders

- 23 (1) Where a contributor has been served with a contribution notice and has—
- (a) failed to reach any agreement with the local authority as mentioned in paragraph 22(7) within the period of one month beginning with the day on which the contribution notice was served; or
 - (b) served a notice under paragraph 22(8) withdrawing his agreement,
- the authority may apply to the court for an order under this paragraph.

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- (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 paragraph 21); or
 - (c) remain in force after the child has ceased to be looked after by the authority who obtained the order.
- (5) An authority may not apply to the court under sub-paragraph (1) in relation to a contribution notice which they have withdrawn.
- (6) Where—
- (a) a contribution order is in force;
 - (b) the authority serve another contribution notice; and
 - (c) the contributor and the authority reach an agreement under paragraph 22(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 sub-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 paragraph 22, they propose 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 paragraph.

Commencement Information

II Sch. 2 Pt. III para. 23 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828, art. 3\(2\)](#)

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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)