

Changes to legislation: Children Act 1989, Cross Heading: *Liability to contribute is up to date with all changes known to be in force on or before 16 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)}

Liability to contribute

- 21 (1) Where a local authority are looking after a child (other than in the cases mentioned in sub-paragraph (7)) they shall consider whether they 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 they consider it reasonable to do so.
- (3) The persons liable to contribute are—
- (a) where the child is under sixteen, each of his parents;

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- (b) where he has reached the age of sixteen, the child himself.
- (4) A parent is not liable to contribute during any period when he is in receipt ^{F1} of universal credit (except in such circumstances as may be prescribed), ^{F2} of income support ^{F3} under Part VII of the Social Security Contributions and Benefits Act 1992, ^{F4} of any element of child tax credit other than the family element, of working tax credit ^{F5} ^{F6}, of an income-based jobseeker's allowance or of an income-related employment and support allowance].
- (5) A person is not liable to contribute towards the maintenance of a child in the care of a local authority in respect of any period during which the child is ^{F7} [living with, under arrangements made by the authority in accordance with section 22C], a parent of his.
- (6) A contributor is not obliged to make any contribution towards a child's maintenance except as agreed or determined in accordance with this Part of this Schedule.
- (7) The cases are where the child is looked after by a local authority under—
- (a) section 21;
 - (b) an interim care order;
 - (c) ^{F8} section 92 of the Powers of Criminal Courts (Sentencing) Act 2000 ^{F9} or section 260 of the Sentencing Code].

Textual Amendments

- F1** Words in Sch. 2 para. 21(4) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 2 para. 1\(d\)](#); S.I. 2013/983, [art. 3\(1\)\(b\)\(i\)](#)
- F2** Words in Sch. 2 para. 21(4) substituted (6.4.2003) by [2002 c. 21](#), ss. 47, 61, [Sch. 3 para. 20\(a\)](#); S.I. 2003/962, [art. 2\(3\)\(d\)\(iii\)](#) (subject to transitional savings and provisions in arts. 3 and 4)
- F3** Words in Sch. 2 Pt. III para. 21(4) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 4, 7(2), [Sch. 2 para. 108\(c\)](#)
- F4** Words in Sch. 2 para. 21(4) inserted (6.4.2003) by [2002 c. 21](#), ss. 47, 61, [Sch. 3 para. 20\(b\)](#); S.I. 2003/962, [art. 2\(3\)\(d\)\(iii\)](#) (subject to transitional provisions and savings in arts. 3 and 4)
- F5** Words in Sch. 2 para. 21(4) added (7.10.1996) by [1995 c. 18](#), s. 41(4), [Sch. 2 para. 19\(5\)](#); S.I. 1996/2208, [art. 2](#)
- F6** Words in Sch. 2 para. 21(4) substituted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 28, 70, [Sch. 3 para. 6\(6\)](#); S.I. 2008/787, [art. 2\(4\)\(f\)](#)
- F7** Words in Sch. 2 para. 21(5) substituted (1.4.2011 for E., 6.4.2016 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), s. 44(4), [Sch. 1 para. 5](#); S.I. 2010/2981, [art. 4\(a\)](#); S.I. 2016/452, [art. 2\(b\)](#)
- F8** Words in Sch. 2 Pt. III para. 21(7)(c) substituted (25.8.2000) by [2000 c. 6](#), ss. 165(1), 168(1), [Sch. 9 para. 130](#)
- F9** Words in Sch. 2 para. 21(7)(c) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 113](#) (with [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#)

Modifications etc. (not altering text)

- C1** Sch. 2 para. 21: power to apply with modifications or exclude conferred (7.2.2004 for W. and 7.12.2004 for E.) by [2002 c. 38](#), ss. 53(2)(b), 148 (with [Sch. 4 paras. 1, 6-8](#)); S.I. 2004/252, [art. 2\(b\)](#); S.I. 2004/3203, [art. 2\(1\)\(h\)](#)
- C2** Sch. 2 para. 21 excluded (30.12.2005) by: [The Adoption Agencies Regulations 2005 \(S.I. 2005/389\)](#), [reg. 45\(2\)\(d\)](#); [The Adoption Agencies \(Wales\) Regulations 2005 \(S.I. 2005/1313\)](#), [reg. 46\(2\)\(d\)](#)
- C3** Sch. 2 para. 21 excluded (3.12.2012) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Children Act 1989\) \(Children Remanded to Youth Detention Accommodation\) Regulations 2012 \(S.I. 2012/2813\)](#), regs. 1(1), [2\(d\)](#), 5

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Commencement Information

II Sch. 2 Pt. III para. 21 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)