

*These notes refer to the Children (Leaving Care) Act (Northern Ireland)
2002 (c.11) which received Royal Assent on 22 November 2002*

Children (Leaving Care) Act (Northern Ireland) 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2 – Additional functions of authorities in respect of certain children

Article 34B – The responsible authority and relevant children

This Article and Article 34C make provision for those young people aged 16 and 17 who leave care. Article 34B defines the terms “relevant child” and “responsible authority”.

Paragraph (1) provides that in relation to a relevant child, the “responsible authority” (see paragraph (4) below) will have the functions set out in Article 34C.

Paragraph (2) defines a “relevant child” as a child aged 16 or 17 who has left care and before leaving care was an “eligible child”.

Paragraph (3) makes parallel provision to that made in Article 34A(4) for eligible children. It allows the Department to prescribe additional categories of relevant children and to exclude certain groups from the definition.

Paragraph (4) defines the “responsible authority” as the authority which last looked after a child. That authority will remain responsible for the young person wherever that young person is currently living. This is to ensure continuity of care and to avoid any disputes amongst authorities concerning who should have responsibility for providing after care support for a young person who moves to live in the area of another authority.

Paragraph (5) gives the Department a regulation making power to make an authority responsible for any child who has been looked after by a Scottish, English or Welsh local authority, if they come to live here. If regulations are made under paragraph (3)(a) to make such children a new category of relevant child, the power in paragraph (5) is needed to ensure that they have a “responsible authority” under Northern Ireland legislation.