

## STATUTORY INSTRUMENTS

# 1995 No. 755

## The Children (Northern Ireland) Order 1995

### PART IV

#### SUPPORT FOR CHILDREN AND THEIR FAMILIES

*Advice and assistance for certain children<sup>[F1]</sup> and young persons]*

**F1** 2002 c. 11 (NI)

#### **[F2]Persons qualifying for advice and assistance**

**35.—(1)** In this Part “a person qualifying for advice and assistance” means a person who—

- (a) is under 21; and
- (b) at any time after reaching the age of 16 but while still a child was, but is no longer, looked after, accommodated or fostered.

(2) In paragraph (1)(b) “looked after, accommodated or fostered” means—

- (a) looked after by an authority;
- (b) accommodated by or on behalf of a voluntary organisation;
- (c) accommodated in a<sup>[F3]</sup> private] children's home;
- (d) accommodated for a consecutive period of at least three months in—
  - (i) any accommodation provided by <sup>[F4]</sup>the Education Authority] ; or
  - (ii) any residential care home; or
  - (iii) any hospital; or
  - (iv) any nursing home; or
  - (v) any prescribed accommodation; or
- (e) privately fostered.

(3) Paragraph (2)(d) applies even if the period of three months mentioned there began before the child reached the age of 16.

(4) In the case of a person qualifying for advice and assistance by virtue of paragraph (2)(a), the authority which last looked after him shall take such steps as it thinks appropriate to contact him at such times as it thinks appropriate with a view to discharging its functions under Articles 35A and 35B.

(5) In each of Articles 35A and 35B, the authority under the duty or having the power mentioned there (“the relevant authority”) is—

- (a) in the case of a person qualifying for advice and assistance by virtue of paragraph (2)(a), the authority which last looked after him; or

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- (b) in the case of any other person qualifying for advice and assistance, the authority within whose area the person is (if he has asked for help of a kind which can be given under Article 35A or 35B).]

- F2** 2002 c. 11 (NI)  
**F3** 2003 NI 9  
**F4** Words in art. 35(2)(d)(i) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 14(3) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

**Modifications etc. (not altering text)**

- C1** Art. 35 applied (10.12.2015) by Children's Services Co-operation Act (Northern Ireland) 2015 (c. 10), ss. 9(2)(a), 10(1)

**Advice and assistance**

**35A.**—(1) The relevant authority shall consider whether the conditions in paragraph (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 the authority can give under this Article or Article 35B; and  
 (b) in the case of a person who was not being looked after by an authority, the relevant authority is 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) the relevant authority shall advise and befriend him if he was being looked after by an authority or was accommodated by or on behalf of a voluntary organisation; and  
 (b) in any other case the relevant authority may do so.

(4) Where as a result of this Article an authority is under a duty, or is empowered, to advise and befriend a person, it may also give him assistance.

(5) The assistance may be in kind or, in exceptional circumstances, in cash.

(6) Paragraphs (7) to (9) of Article 18 apply in relation to assistance given under this Article or Article 35B as they apply in relation to assistance given under Article 18.

**Modifications etc. (not altering text)**

- C2** Art. 35A applied (10.12.2015) by Children's Services Co-operation Act (Northern Ireland) 2015 (c. 10), ss. 9(2)(a), 10(1)

**Employment, education and training**

**35B.**—(1) The relevant authority may give assistance to any person who qualifies for advice and assistance by virtue of Article 35(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 authority may give assistance to a person to whom paragraph (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 paragraph applies to any person who—

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- (a) is under 24; and
- (b) qualifies for advice and assistance by virtue of Article 35(2)(a), or would have done so if he were under 21.

(4) Where an authority is assisting a person under paragraph (2) it may disregard any interruption in his attendance on the course if he resumes it as soon as is reasonably practicable.

(5) Where the authority is satisfied that a person to whom paragraph (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, the authority 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 Department may prescribe the meaning of “full-time”, “further education”, “higher education” and “vacation” for the purposes of paragraph (5).

**Modifications etc. (not altering text)**

C3 [Art. 35B](#) applied (10.12.2015) by [Children’s Services Co-operation Act \(Northern Ireland\) 2015](#) (c. 10), [ss. 9\(2\)\(a\)](#), 10(1)

**Information**

**35C.**—(1) Where it appears to an authority that a person—

- (a) with whom it is under a duty to keep in touch under Article 34C, 34D or 35; or
- (b) whom it has been advising and befriending under Article 35A; or
- (c) to whom it has been giving assistance under Article 35B,

proposes to live, or is living, in the area of another authority, the authority must inform that other authority.

(2) Where a child who is accommodated—

- (a) by a voluntary organisation or in a<sup>[F5]</sup> private] children's home; or
- (b) as mentioned in Article 35(2)(d),

ceases to be so accommodated, after reaching the age of 16, the person providing the accommodation shall inform the authority within whose area the child proposes to live.

F5 [2003 NI 9](#)

**[F6]Representations: Articles 34B to 35B**

**35D.**—(1) Every authority shall establish a procedure for considering representations (including complaints) made to it by—

- (a) a relevant child for the purposes of Article 34B or a young person falling within Article 34D;
- (b) a person qualifying for advice and assistance; or
- (c) a person falling within Article 35B(2),

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

(2) In considering representations under paragraph (1), an authority shall comply with regulations made by the Department for the purposes of this paragraph.]

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**F6** 2002 c. 11 (NI)

*Arts. 36, 37 rep. by 2002 c. 11 (NI)*

**Changes to legislation:**

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

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

- art. 45(2)(e) words repealed by 2022 c. 18 (N.I.) Sch. 5
- art. 7(2A)(ba) substituted for word by 2009 c. 24 Sch. 6 para. 26(2)
- art. 7(2B)(ba) substituted for word by 2009 c. 24 Sch. 6 para. 26(3)
- art. 10(5A) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 26(b)
- art. 10(7A) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 26(c)
- art. 14A?-14F and cross-heading inserted by 2022 c. 18 (N.I.) s. 119(1)
- art. 14A(7) applied (with modifications) for specified purposes by 2022 c. 18 (N.I.) s. 26(6)
- art. 14C(1)(b) applied (with modifications) for specified purposes by 2022 c. 18 (N.I.) s. 26(7)(a)
- art. 14C(3)(4) excluded by 2022 c. 18 (N.I.) s. 26(7)(b)
- art. 18(6)-(6C) substituted for art. 18(6) by 2022 c. 18 (N.I.) s. 121(1)
- art. 22(3)(aa) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 29
- art. 26(1A) inserted by 2022 c. 18 (N.I.) s. 122(1)
- art. 26A inserted by 2022 c. 18 (N.I.) s. 123
- art. 27(7A) inserted by 2022 c. 18 (N.I.) s. 125(3)
- art. 27(8)(c) and word added by 2022 c. 18 (N.I.) s. 122(2)(b)
- art. 27(9A)-(9D) inserted by 2022 c. 18 (N.I.) s. 124
- art. 28(4) inserted by 2022 c. 18 (N.I.) s. 125(4)
- art. 28A inserted by 2022 c. 18 (N.I.) s. 126
- art. 28B inserted by 2022 c. 18 (N.I.) s. 127
- art. 33(9) added by 2022 c. 18 (N.I.) Sch. 3 para. 31(c)
- art. 34E(1)(d) and word inserted by 2022 c. 18 (N.I.) Sch. 3 para. 32(a)(iii)
- art. 34E(3)(4) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 32(b)
- art. 34F(1)(aa) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 33(a)(i)
- art. 34F(1A)-(1D) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 33(b)
- art. 34G inserted by 2022 c. 18 (N.I.) s. 129
- art. 34AA inserted by 2022 c. 18 (N.I.) s. 128(1)
- art. 34DA inserted by 2022 c. 18 (N.I.) s. 128(2)
- art. 34DB34DC inserted by 2022 c. 18 (N.I.) s. 128(3)
- art. 35(1)-(1B) substituted for art. 35(1) by 2022 c. 18 (N.I.) Sch. 3 para. 34(a)
- art. 35(5)(za) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 34(c)
- art. 35D(1)(aa)(ab) inserted by 2022 c. 18 (N.I.) s. 128(4)
- art. 35D(1A) inserted by 2022 c. 18 (N.I.) s. 130(1)
- art. 45(2)(e)(i)(ii) inserted by 2022 c. 18 (N.I.) s. 131(a)
- art. 45(2)(f)(i)-(iii) inserted by 2022 c. 18 (N.I.) s. 131(b)
- art. 45(3A)-(3C) inserted by 2022 c. 18 (N.I.) s. 130(4)
- art. 45(4A) inserted by 2022 c. 18 (N.I.) s. 130(6)
- art. 45(5A) inserted by 2022 c. 18 (N.I.) s. 130(7)
- art. 45A?? inserted by 2022 c. 18 (N.I.) s. 132
- art. 50A?? inserted by 2022 c. 18 (N.I.) s. 134(1)
- art. 53(1)(ba) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 38(b)
- art. 53(6A) inserted by 2022 c. 18 (N.I.) s. 135(3)
- art. 53(8)(za) inserted by 2022 c. 18 (N.I.) s. 135(4)
- art. 57(3A) inserted by 2022 c. 18 (N.I.) s. 119(3)
- art. 60(6)(ha) inserted by 2022 c. 18 (N.I.) s. 138

- art. 107(7)(c) added by 2022 c. 18 (N.I.) s. 139(4)
- art. 108(2A) inserted by 2022 c. 18 (N.I.) s. 140(3)
- art. 108(3)(c) and word added by 2022 c. 18 (N.I.) s. 140(4)(c)
- art. 112A inserted by 2022 c. 18 (N.I.) s. 141
- art. 159(1)(c) and word added by 2022 c. 18 (N.I.) s. 119(4)(b)
- art. 165(2)(k) inserted by 2011 c. 24 (N.I.) s. 95(3)
- art. 170(2)-(9A) modified by 2022 c. 18 (N.I.) s. 105(3)
- art. 170(9A) inserted by 2022 c. 18 (N.I.) s. 142
- art. 179(5A) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 42
- art. 181(1) art. 181 renumbered as art. 181 (1) by 2022 c. 18 (N.I.) s, 143(3)
- art. 183(2A) inserted by 2022 c. 18 (N.I.) s. 130(8)