



# Children Act 1989

## 1989 CHAPTER 41

### PART III

#### [<sup>F1</sup>SUPPORT FOR CHILDREN AND FAMILIES PROVIDED BY LOCAL AUTHORITIES IN ENGLAND]

##### *[<sup>F1</sup>Independent reviewing officers*

#### [<sup>F1</sup> 29 Recoupment of cost of providing services etc.

- (1) Where a local authority provide any service under section 17 or 18, other than advice, guidance or counselling, they may recover from a person specified in subsection (4) such charge for the service as they consider reasonable.
  - (2) Where the authority are satisfied that that person's means are insufficient for it to be reasonably practicable for him to pay the charge, they shall not require him to pay more than he can reasonably be expected to pay.
  - (3) No person shall be liable to pay any charge under subsection (1) [<sup>F2</sup>for a service provided under section 17 or section 18(1) or (5)] at any time when he is in receipt [<sup>F3</sup>of universal credit (except in such circumstances as may be prescribed),] of income support [<sup>F4</sup>under][<sup>F5</sup>Part VII of the Social Security Contributions and Benefits Act 1992][<sup>F6</sup>, of any element of child tax credit other than the family element, of working tax credit][<sup>F7</sup>, of an income-based jobseeker's allowance or of an income-related employment and support allowance].
- [ No person shall be liable to pay any charge under subsection (1) for a service provided  
<sup>F8</sup>(3A) under section 18(2) or (6) at any time when he is in receipt [<sup>F3</sup>of universal credit (except in such circumstances as may be prescribed),] of income support under Part VII of the Social Security Contributions and Benefits Act 1992 [<sup>F7</sup>, of an income-based jobseeker's allowance or of an income-related employment and support allowance].]
- [ No person shall be liable to pay any charge under subsection (1) for a service provided  
<sup>F9</sup>(3B) under section 18(2) or (6) at any time when—

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- (a) he is in receipt of guarantee state pension credit under section 1(3)(a) of the State Pension Credit Act 2002, or
  - (b) he is a member of a <sup>F10</sup>couple (within the meaning of that Act) the other member of which is in receipt of guarantee state pension credit.]
- (4) The persons are—
- (a) where the service is provided for a child under sixteen, each of his parents;
  - (b) where it is provided for a child who has reached the age of sixteen, the child himself; and
  - (c) where it is provided for a member of the child’s family, that member.
- (5) Any charge under subsection (1) may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.
- (6) Part III of Schedule 2 makes provision in connection with contributions towards the maintenance of children who are being looked after by local authorities and consists of the re-enactment with modifications of provisions in Part V of the <sup>M1</sup> Child Care Act 1980.
- (7) Where a local authority provide any accommodation under section 20(1) for a child who was (immediately before they began to look after him) ordinarily resident within the area of another local authority <sup>F11</sup>or the area of a local authority in Wales], they may recover from that other authority any reasonable expenses incurred by them in providing the accommodation and maintaining him.
- (8) Where a local authority provide accommodation under section 21(1) or (2)(a) or (b) for a child who is ordinarily resident within the area of another local authority <sup>F12</sup>or the area of a local authority in Wales] and they are not maintaining him in—
- (a) a community home provided by them;
  - (b) a controlled community home; or
  - (c) a hospital vested in the <sup>F13</sup>Secretary of State or] <sup>F14</sup>the Welsh Ministers] <sup>F15</sup>... <sup>F16</sup>or any other hospital made available pursuant to arrangements made by <sup>F17</sup>the Secretary of State, <sup>F18</sup>NHS England] or <sup>F19</sup>an integrated care board] under the National Health Service Act 2006 or by] <sup>F20</sup>..., a <sup>F21</sup>Local Health Board] <sup>F15</sup> ...,],
- they may recover from that other authority any reasonable expenses incurred by them in providing the accommodation and maintaining him.
- (9) <sup>F22</sup>Except where subsection (10) <sup>F23</sup>or subsection (11)] applies.] Where a local authority comply with any request under section 27(2) <sup>F24</sup>or section 164A(2) of the Social Services and Well-being (Wales) Act 2014 (duty of other persons to co-operate and provide information)] in relation to a child or other person who is not ordinarily resident within their area, they may recover from the local authority <sup>F25</sup>or a local authority in Wales] in whose area the child or person is ordinarily resident any <sup>F26</sup>reasonable expenses] incurred by them in respect of that person.
- [ Where a local authority (“authority A”) comply with any request under section 27(2) <sup>F27</sup>(10) from another local authority (“authority B”) in relation to a child or other person—
- (a) whose responsible authority is authority B for the purposes of section 23B or 23C; or
  - (b) whom authority B are advising or befriending or to whom they are giving assistance by virtue of section 24(5)(a),

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authority A may recover from authority B any reasonable expenses incurred by them in respect of that person.]

<sup>F28</sup> [ Where a local authority (“authority A”) comply with any request under (11) section 164A(2) of the Social Services and Well-being (Wales) Act 2014 (duty of other persons to co-operate and provide information) from a local authority in Wales (“authority B”) in relation to a person, and authority B are the responsible local authority for that person (within the meaning of section 104(5)(b) (except for category 4 young persons) or (d) of that Act), then authority A may recover from authority B any reasonable expenses incurred by them in respect of that person.]]

### Textual Amendments

- F1** Ss. 25A, 25B and cross-heading inserted (1.9.2009 for certain purposes for E., 26.4.2010 for certain purposes for W., and and 1.4.2011 otherwise for E.) by Children and Young Persons Act 2008 (c. 23), ss. 10(1), 44; S.I. 2009/2273, art. 2(2)(c); S.I. 2010/1329, art. 2(c); S.I. 2010/2981, art. 4(c) (with art. 5)
- F2** Words in s. 29(3) inserted (25.8.2000 in relation to E. and otherwise 28.7.2001) by 2000 c. 22, ss. 103(1), 108(4); S.I. 2000/2420, art. 2
- F3** Words in s. 29(3)(3A) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 2 para. 1(c); S.I. 2013/983, art. 3(1)(b)(i)
- F4** Words in s. 29(3) substituted (6.4.2003) by 2002 c. 21, ss. 47, 61, Sch. 3 para. 18(a); S.I. 2003/962, art. 2(3)(d)(iii) (subject to savings and transitional provisions in arts. 3, 4)
- F5** Words in s. 29(3) substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 4, 7(2), Sch. 2 para 108(b).
- F6** Words in s. 29(3) inserted (6.4.2003) by 2002 c. 21, ss. 47, 61, Sch. 3 para. 18(b); S.I. 2003/962, art. 2(3)(d)(iii) (subject to savings and transitional provisions in arts. 3, 4)
- F7** Words in s. 29(3)(3A) substituted (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 28, 70, {Sch, 3 para. 6(4)}; S.I. 2008/787, art. 2(4)(f)
- F8** S. 29(3A) inserted (25.8.2000 in relation to E. and otherwise 28.7.2001) by 2000 c. 22, ss. 103(1), 108(4); S.I. 2000/2420, art. 2
- F9** S. 29(3B) inserted (2.7.2002 for certain purposes, otherwise 6.10.2003) by 2002 c. 16, s. 14, Sch. 2 para. 30; S.I. 2002/1691, art. 2; S.I. 2003/1766, art. 2(a)
- F10** Words in s. 29(3B) substituted (5.12.2005) by The Civil Partnership Act 2004 (Overseas Relationships and Consequential, etc. Amendments) Order 2005 (S.I. 2005/3129), art. 4(4), Sch. 4 para. 9
- F11** Words in s. 29(7) 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), 94(a)
- F12** Words in s. 29(8) 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), 94(b)
- F13** Words in s. 29(8)(c) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 5 para. 52(a); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F14** Words in s. 29(8)(c) inserted (13.11.2008) by Children and Young Persons Act 2008 (c. 23), ss. 39, 44, Sch. 3 para. 20
- F15** Words in s. 29(8)(c) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 5 para. 52(b); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F16** Words in s. 29(8)(c) added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), Sch. 9 para. 36(3)
- F17** Words in s. 29(8)(c) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 5 para. 52(c); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F18** Words in s. 29 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)
- F19** Words in s. 29(8)(c) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 32; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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- F20** Words in s. 29(8)(c) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 52(d)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F21** Words in s. 29(8)(c) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), **arts. 2, 3** {Sch. para. 20(2)(e)}
- F22** Words in s. 29(9) inserted (1.10.2001) by 2000 c. 35, **s. 7(3)(a)**; S.I. 2001/2191, **art. 2**; 2001/2878, art. 2
- F23** Words in s. 29(9) 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), **94(c)(i)**
- F24** Words in s. 29(9) 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), **94(c)(ii)**
- F25** Words in s. 29(9) 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), **94(c)(iii)**
- F26** Words in s. 29(9) substituted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 15**; S.I. 1991/1883, art. 3, **Sch.**
- F27** S. 29(10) inserted (1.10.2001) by 2000 c. 35, **s. 7(3)(b)**; S.I. 2001/2191, **art. 2**; S.I. 2001/2878, **art. 2**
- F28** S. 29(11) 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), **94(d)**

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#### Commencement Information

- I1** S. 29 in force at 14.10.1991, see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

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#### Marginal Citations

- M1** 1980 c. 5.

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**Changes and effects yet to be applied to :**

- s. 29(3)(3A) words repealed by [2009 c. 24 Sch. 7 Pt. 1](#)
- s. 29(3)(3A) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)

**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\(2\)\(b\)](#)