

*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 7 – Minor and consequential amendments and repeals

Section 7 makes a number of consequential amendments to the Children Order.

Subsection (1) provides that the Children Order will have effect subject to the amendments and repeals set out in subsections (2) to (6) of this section.

Subsection (2) amends Article 2(8) of the Children Order to ensure that the accommodation provided to care leavers under Articles 34C and 35B is not regarded as accommodation used by authorities for the purposes of accommodating looked after children.

Subsection (3) updates the statutory references in Article 18(5)(a) of the Children Order by adding the new services in Articles 34C to 34E and 35A and 35B to the list of services which authorities are required to facilitate others to provide (particularly voluntary organisations).

Subsection (4) repeals Articles 36 and 37 of the Children Order.

Subsection (5) makes provision for authorities to recoup costs from each other in respect of services provided (following a request for co-operation under Article 46(2) of the Children Order) for children who fall to each other's responsibility. The subsection amends Article 46 to take into account the new concept of responsible authority. It does this by amending paragraph (4) and inserting a new paragraph (4A). Paragraph (4A) provides that following a request under Article 46(2) of the Children Order, one authority may recover reasonable expenses from another. This ability to recoup costs applies in the case of “relevant” and “former relevant children” and those who, having been looked after at any time after reaching the age of 16, are being helped under Article 35 of the Children Order.

Subsection (6) amends paragraph 2(1)(a) of Schedule 2 to the Children Order by adding the new services in Articles 34C to 34E and 35A and 35B to the list of those services about which an authority is obliged to publish information. It also

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adds these new services to the list of services which Health and Social Services Boards are required to review and include in their Children's Services Plans.