
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART IV

SUPPORT FOR CHILDREN AND THEIR FAMILIES

Children in need and their families

[^{F1}Direct payments

18C.—(1) The Department may by regulations make provision for and in connection with requiring or authorising an authority in the case of a person of a prescribed description who falls within paragraph (2) to make, with that person's consent, such payments to him as the authority may determine in accordance with the regulations in respect of his securing the provision of the service mentioned in that paragraph.

(2) A person falls within this paragraph if he is—

- (a) a person with parental responsibility for a disabled child;
- (b) a disabled person with parental responsibility for a child; or
- (c) a disabled child aged 16 or 17,

and the authority has decided for the purposes of Article 18 that the child's needs (or, if he is such a disabled child, his needs) call for the provision by it of a service under that Article.

(3) Regulations under this Article may, in particular, make provision—

- (a) specifying circumstances in which the authority is not required or authorised to make any payments under the regulations to a person, whether those circumstances relate to the person in question or to the particular service mentioned in paragraph (2);
- (b) for any payments required or authorised by the regulations to be made to a person by the authority (“direct payments”) to be made to that person (“the payee”) as gross payments or alternatively as net payments;
- (c) for the authority to make for the purposes of paragraph (4) or (5) such determinations as to—
 - (i) the payee's means; and
 - (ii) the amount (if any) which it would be reasonably practicable for him to pay to the authority by way of reimbursement or contribution,as may be prescribed;
- (d) as to the conditions falling to be complied with by the payee which must or may be imposed by the authority in relation to the direct payments (and any conditions which may not be so imposed);
- (e) specifying circumstances in which the authority—
 - (i) may or must terminate the making of direct payments;

Changes to legislation: *The Children (Northern Ireland) Order 1995, Section 18C is up to date with all changes known to be in force on or before 11 July 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*

- (ii) may require repayment (whether by the payee or otherwise) of the whole or part of the direct payments);
 - (f) for any sum falling to be paid or repaid to the authority by virtue of any condition or other requirement imposed in pursuance of the regulations to be recoverable as a debt due to the authority;
 - (g) displacing functions or obligations of the authority with respect to the provision of the service mentioned in paragraph (2) only to such extent, and subject to such conditions, as may be prescribed;
 - (h) authorising direct payments to be made to any prescribed person on behalf of the payee.
- (4) For the purposes of paragraph (3)(b) “gross payments” means payments—
- (a) which are made at such rate as the authority estimates to be equivalent to the reasonable cost of securing the provision of the service concerned; but
 - (b) which may be made subject to the condition that the payee pays to the authority, by way of reimbursement, an amount or amounts determined under the regulations.
- (5) For the purposes of paragraph (3)(b) “net payments” means payments—
- (a) which are made on the basis that the payee will himself pay an amount or amounts determined under the regulations by way of contribution towards the cost of securing the provision of the service concerned; and
 - (b) which are accordingly made at such a rate below that mentioned in paragraph (4)(a) as reflects any such contribution by the payee.
- (6) Regulations under this section shall provide that, where payments are made under the regulations to a person falling within paragraph (7)—
- (a) the payments shall be made at the rate mentioned in paragraph (4)(a); and
 - (b) paragraph (4)(b) shall not apply.
- (7) A person falls within this subsection if he is—
- (a) a person falling within paragraph (2)(a) or (b) and the child in question is aged 16 or 17; or
 - (b) a person who is in receipt [^{F2}of universal credit (except in such circumstances as may be prescribed),] of income support, working families' tax credit or disabled person's tax credit under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)[^{F3}, of any element of child tax credit other than the family element, of working tax credit][^{F4}, of an income-based jobseeker's allowance or of an income-related employment and support allowance].
- (8) Regulations made for the purposes of paragraph (3)(a) may provide that direct payments shall not be made in respect of the provision of residential accommodation for any person for a period in excess of a prescribed period.
- (9) In this Article “prescribed” means specified in or determined in accordance with regulations under this Article.]

F1 2002 c. 6 (NI)

F2 Words in art. 18C(7)(b) inserted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015](#) (S.I. 2015/2006), art. 2(2), [Sch. 2 para. 28\(b\)](#); S.R. 2017/190, art. 4(1)(2)(g)(i)

F3 2002 c. 21

F4 Words in art. 18C(7)(b) substituted (27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007](#) (c. 2), ss. 28(1), 60(1), [Sch. 3 para. 5\(4\)](#) (with transitional provisions in s. 29, Sch. 4); S.R. 2008/276, [art. 2\(2\)\(d\)](#), Sch. Pt. 2

Changes to legislation:

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Changes and effects yet to be applied to :

- [art. 18C\(7\)\(b\) words repealed by 2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#)
- [art. 18C\(7\)\(b\) words repealed by S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)

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)