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## STATUTORY INSTRUMENTS

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# 1995 No. 755

## The Children (Northern Ireland) Order 1995

### PART II

### GENERAL

#### *Child's welfare*

#### **Child's welfare to be paramount consideration**

- 3.—(1) Where a court determines any question with respect to—
- (a) the upbringing of a child; or
  - (b) the administration of a child's property or the application of any income arising from it,
- the child's welfare shall be the court's paramount consideration.
- (2) In any proceedings in which any question with respect to the upbringing of a child arises, the court shall have regard to the general principle that any delay in determining the question is likely to prejudice the welfare of the child.
- (3) In the circumstances mentioned in paragraph (4), a court shall have regard in particular to—
- (a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
  - (b) his physical, emotional and educational needs;
  - (c) the likely effect on him of any change in his circumstances;
  - (d) his age, sex, background and any characteristics of his which the court considers relevant;
  - (e) any harm which he has suffered or is at risk of suffering;
  - (f) how capable of meeting his needs is each of his parents and any other person in relation to whom the court considers the question to be relevant;
  - (g) the range of powers available to the court under this Order in the proceedings in question.
- (4) The circumstances are that—
- (a) the court is considering whether to make, vary or discharge an Article 8 order, and the making, variation or discharge of the order is opposed by any party to the proceedings; or
  - [<sup>F1</sup>(aa) the court is considering whether to make an order under Article 7; or]
  - (b) the court is considering whether to make, vary or discharge an order under Part V.
- (5) Where a court is considering whether or not to make one or more orders under this Order with respect to a child, it shall not make the order or any of the orders unless it considers that doing so would be better for the child than making no order at all.

**Changes to legislation:**

The Children (Northern Ireland) Order 1995, Section 3 is up to date with all changes known to be in force on or before 13 June 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.

[View outstanding changes](#)

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

- art. 3(4)(b) words inserted by [2022 c. 18 \(N.I.\) s. 119\(2\)](#)

**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)