



# Criminal Justice Act 1982

## 1982 CHAPTER 48

### PART I

#### TREATMENT OF YOUNG OFFENDERS

##### *Sanctions against parents and guardians*

#### 26 Payment of fines by parents and guardians

The following section shall be substituted for section 55 of the Children and Young Persons Act 1933—

**“55 Power to order parent or guardian to pay fine etc.**

(1) Where—

- (a) a child or young person is convicted or found guilty of any offence for the commission of which a fine or costs may be imposed or a compensation order may be made under section 35 of the Powers of Criminal Courts Act 1973; and
- (b) the court is of opinion that the case would best be met by the imposition of a fine or costs or the making of such an order, whether with or without any other punishment,

it shall be the duty of the court to order that the fine, compensation or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person himself, unless the court is satisfied—

- (i) that the parent or guardian cannot be found; or
  - (ii) that it would be unreasonable to make an order for payment, having regard to the circumstances of the case.
- (2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

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*Status: This is the original version (as it was originally enacted).*

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- (3) A parent or guardian may appeal to the Crown Court against an order under this section made by a magistrates' court.
- (4) A parent or guardian may appeal to the Court of Appeal against an order made under this section by the Crown Court, as if he had been convicted on indictment and the order were a sentence passed on his conviction.”.

## 27 Compensation

The following subsections shall be substituted for section 3(6) of the Children and Young Persons Act 1969 (which gives the court power in care proceedings to order a parent or guardian to pay compensation if it is of the opinion that the child or young person brought before it is guilty of an offence)—

- “(6) Where in any care proceedings the court finds the offence condition satisfied with respect to the relevant infant, then, whether or not the court makes an order under section 1 of this Act—
  - (a) section 35 of the Powers of Criminal Courts Act 1973 (which relates to compensation for personal injury and loss of or damage to property) shall apply as if the finding were a finding of guilty of the offence; and
  - (b) it shall be the duty of the court, subject to sub sections (6A) and (6B) of this section, to order that any sum awarded by virtue of this section be paid by the relevant infant's parent or guardian instead of by the relevant infant, unless the court is satisfied—
    - (i) that the parent or guardian cannot be found; or
    - (ii) that it would be unreasonable to make an order for payment, having regard to the circumstances of the case.
- (6A) An order shall not be made in pursuance of the preceding subsection unless the parent or guardian has been given an opportunity of being heard or has been required to attend the proceedings and failed to do so.
- (6B) Where the finding that the offence condition is satisfied is made in pursuance of subsection (5) of this section, the powers conferred by subsection (6) of this section shall be exercisable by the court to which the case is remitted instead of by the court which made the finding.”.

## 28 Increase of limit on amount of recognisance to be taken from parents and guardians

In section 2(13) of the Children and Young Persons Act 1969 (by virtue of which the maximum amount for which the parent or guardian of a child or a young person can be required by an order under section 1 of that Act to enter into a recognisance to take proper care of and exercise proper control over him is £200), for " £200 " there shall be substituted " £500 ".