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**Changes to legislation:** Children Act 1989, Cross Heading: Criminal care orders is up to date with all changes known to be in force on or before 10 March 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

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## SCHEDULES

### SCHEDULE 14

#### TRANSITIONALS AND SAVINGS

##### *Criminal care orders*

- 36 (1) This paragraph applies where, immediately before the commencement of section 90(2) there was in force an order (“a criminal care order”) made—
- (a) under section 7(7)(a) of the <sup>M1</sup>Children and Young Persons Act 1969 (alteration in treatment of young offenders etc.); or
  - (b) under section 15(1) of that Act, on discharging a supervision order made under section 7(7)(b) of that Act.
- (2) The criminal care order shall continue to have effect until the end of the period of six months beginning with the day on which section 90(2) comes into force unless it is brought to an end earlier in accordance with—
- (a) the provisions of the Act of 1969 preserved by sub-paragraph (3)(a); or
  - (b) this paragraph.
- (3) While the criminal care order remains in force, any relevant provisions—
- (a) of the Act of 1969; and
  - (b) of the <sup>M2</sup>Child Care Act 1980,
- shall continue to have effect with respect to it.
- (4) While the criminal care order remains in force, a court may, on the application of the appropriate person, make—
- (a) a residence order;
  - (b) a care order or a supervision order under section 31;
  - (c) an education supervision order under section 36 (regardless of subsection (6) of that section); or
  - (d) an order falling within sub-paragraph (5),
- and shall, on making any of those orders, discharge the criminal care order.
- (5) The order mentioned in sub-paragraph (4)(d) is an order having effect as if it were a supervision order of a kind mentioned in section 12AA of the Act of 1969 (as inserted by paragraph 23 of Schedule 12), that is to say, a supervision order—
- (a) imposing a requirement that the child shall live for a specified period in local authority accommodation; but
  - (b) in relation to which the conditions mentioned in [<sup>F1</sup>subsection (6)] of section 12AA are not required to be satisfied.
- (6) The maximum period which may be specified in an order made under sub-paragraph (4)(d) is six months and such an order may stipulate that the child shall not live with a named person.

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<sup>F2</sup>(7) . . . . .

(8) In sub-paragraph (4) “appropriate person” means—

- (a) in the case of an application for a residence order, any person (other than a local authority) who has the leave of the court;
- (b) in the case of an application for an education supervision order, a local education authority; and
- (c) in any other case, the local authority to whose care the child was committed by the order.

#### Textual Amendments

**F1** Words in Sch. 14 para. 36(5)(b) substituted (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 116, [Sch. 16 para. 33\(6\)](#); [S.I. 1991/1883](#), [art. 3](#), Sch.

**F2** [Sch. 14 para. 36\(7\)](#) repealed (10.3.2014) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 25 Pt. 2](#) (with s. 141(1)–(6)); [S.I. 2014/423](#), [art. 2\(c\)](#) (with [art. 3](#))

#### Commencement Information

**I1** Sch. 14 para. 36 in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828](#), [art. 3\(2\)](#)

#### Marginal Citations

**M1** [1969 c. 54](#).

**M2** [1980 c. 5](#).

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