

Changes to legislation: Children Act 1989, SCHEDULE A1 is up to date with all changes known to be in force on or before 18 April 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

SCHEDULES

SCHEDULE A1

ENFORCEMENT ORDERS

[^{F1} PART 1

UNPAID WORK REQUIREMENT

Textual Amendments

- F1** Sch. A1 Pt. 1 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 112\(2\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

The responsible officer etc

- 1 (1) For the purposes of this Part of this Schedule—
“the responsible officer”, in relation to a relevant person, means the person who is for the time being responsible for discharging the functions conferred by this Part of this Schedule on the responsible officer in accordance with arrangements made by the Secretary of State;
“relevant person”, in relation to an enforcement order, means a person subject to the order.
- (2) The responsible officer must be an officer of a provider of probation services.

Obligations of responsible officer

- 2 (1) This paragraph applies where an enforcement order is in force.
- (2) The responsible officer must—
(a) make any arrangements that are necessary in connection with the requirements imposed by the order, and
(b) promote the relevant person's compliance with those requirements.
- (3) Sub-paragraph (4) applies where—
(a) an enforcement order is in force, and
(b) an officer of the Children and Family Court Advisory and Support Service or a Welsh family proceedings officer (as defined in section 35 of the Children Act 2004) is required under section 11M to report on matters relating to the order.
- (4) The officer of the Service or the Welsh family proceedings officer (“the family officer”) may request the responsible officer to report to the family officer on such matters relating to the order as the family officer may require for the purpose of

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making a report under section 11M(1)(c) or (d); and it shall be the duty of the responsible officer to comply with such a request.

Enforcement order to specify relevant person's home local justice area

- 3 (1) An enforcement order must specify which local justice area is the relevant person's home local justice area.
- (2) The area specified must be the local justice area in which the relevant person resides or will reside.

Requirement and obligation of relevant person

- 3A (1) In this Part of this Schedule “unpaid work requirement”, in relation to an enforcement order, means a requirement that the relevant person must perform unpaid work in accordance with the instructions of the responsible officer as to—
- (a) the work to be performed, and
 - (b) the times, during a period of 12 months, at which the person is to perform it.
- (2) Sub-paragraph (1)(b) is subject to paragraphs 7 and 9.
- (3) But the period of 12 months is not to run while the enforcement order is suspended under section 11J(9).

Number of hours of unpaid work to be specified in order

- 3B (1) The number of hours which a person may be required to work under an unpaid work requirement—
- (a) must be specified in the relevant order, and
 - (b) must, in aggregate, be—
 - (i) not less than 40, and
 - (ii) not more than 200.
- (2) Sub-paragraph (3) applies where on the same occasion and in relation to the same person the court makes more than one enforcement order imposing an unpaid work requirement.
- (3) The court may direct that the hours of work specified in any of those requirements is to be—
- (a) concurrent with, or
 - (b) additional to,
- those specified in any other of those orders.

But the total number of hours which are not concurrent must not exceed the maximum number (see sub-paragraph (1)(b)(ii)).

- (4) The Secretary of State may by regulations substitute the maximum number of hours for the time being specified in sub-paragraph (1)(b).

Duty to keep in touch with responsible officer

- 3C (1) This paragraph applies where an enforcement order is in force.
- (2) The relevant person—

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- (a) must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the relevant person from time to time, and
 - (b) must notify the responsible officer of any change of address.
- (3) An obligation imposed by sub-paragraph (2) is enforceable as if it were a requirement of the enforcement order.

Rules relating to enforcement orders

- 3D The power of the Secretary of State to make rules under section 394 of the Sentencing Code in relation to persons subject to community orders or suspended sentence orders may also be exercised in relation to persons subject to enforcement orders.]

PART 2

REVOCATION, AMENDMENT OR BREACH OF ENFORCEMENT ORDER

Power to revoke

- 4 (1) This paragraph applies where a court has made an enforcement order in respect of a person's failure to comply with a [^{F2}provision of a child arrangements] order and the enforcement order is in force.
- (2) The court may revoke the enforcement order if it appears to the court that—
- (a) in all the circumstances no enforcement order should have been made,
 - (b) having regard to circumstances which have arisen since the enforcement order was made, it would be appropriate for the enforcement order to be revoked, or
 - (c) having regard to the person's satisfactory compliance with the [^{F3}child arrangements] order or any [^{F3}child arrangements] order that has effect in its place, it would be appropriate for the enforcement order to be revoked.
- (3) The enforcement order may be revoked by the court under sub-paragraph (2) of its own motion or on an application by the person subject to the enforcement order.
- (4) In deciding whether to revoke the enforcement order under sub-paragraph (2)(b), the court is to take into account—
- (a) the extent to which the person subject to the enforcement order has complied with it, and
 - (b) the likelihood that the person will comply with the [^{F4}child arrangements] order or any contact order that has effect in its place in the absence of an enforcement order.
- (5) In deciding whether to revoke the enforcement order under sub-paragraph (2)(c), the court is to take into account the likelihood that the person will comply with the [^{F5}child arrangements] order or any [^{F5}child arrangements] order that has effect in its place in the absence of an enforcement order.

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Textual Amendments

- F2** Words in Sch. A1 para. 4(1) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 39\(2\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F3** Words in Sch. A1 para. 4(2)(c) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 39\(3\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F4** Words in Sch. A1 para. 4(4)(b) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 39\(3\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F5** Words in Sch. A1 para. 4(5) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 39\(3\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)

Amendment by reason of change of residence

- 5 (1) This paragraph applies where a court has made an enforcement order in respect of a person's failure to comply with a [^{F6}provision of a child arrangements] order and the enforcement order is in force.
- (2) If the court is satisfied that the person has changed, or proposes to change, his residence from the local justice area specified in the order to another local justice area, the court may amend the order by substituting the other area for the area specified.
- (3) The enforcement order may be amended by the court under sub-paragraph (2) of its own motion or on an application by the person subject to the enforcement order.

Textual Amendments

- F6** Words in Sch. A1 para. 5(1) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 39\(2\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)

Amendment of hours specified under unpaid work requirement

- 6 (1) This paragraph applies where a court has made an enforcement order in respect of a person's failure to comply with a [^{F7}provision of a child arrangements] order and the enforcement order is in force.
- (2) If it appears to the court that, having regard to circumstances that have arisen since the enforcement order was made, it would be appropriate to do so, the court may reduce the number of hours specified in the order (but not below the minimum specified in [^{F8}paragraph 3B(1)(b)(i)]).
- (3) In amending the enforcement order under sub-paragraph (2), the court must be satisfied that the effect on the person of the enforcement order as proposed to be amended is no more than is required to secure his compliance with the [^{F9}child arrangements] order or any [^{F9}child arrangements] order that has effect in its place.
- (4) The enforcement order may be amended by the court under sub-paragraph (2) of its own motion or on an application by the person subject to the enforcement order.

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Textual Amendments

- F7** Words in Sch. A1 para. 6(1) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 39\(2\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F8** Words in Sch. A1 para. 6(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 112\(3\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)
- F9** Words in Sch. A1 para. 6(3) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 39\(3\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)

Amendment to extend unpaid work requirement

- 7 (1) This paragraph applies where a court has made an enforcement order in respect of a person's failure to comply with a [^{F10}provision of a child arrangements] order and the enforcement order is in force.
- (2) If it appears to the court that, having regard to circumstances that have arisen since the enforcement order was made, it would be appropriate to do so, the court may, in relation to the order, extend the period of twelve months specified in [^{F11}paragraph 3A(1)(b)].
- (3) The period may be extended by the court under sub-paragraph (2) of its own motion or on an application by the person subject to the enforcement order.

Textual Amendments

- F10** Words in Sch. A1 para. 7(1) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 39\(2\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F11** Words in Sch. A1 para. 7(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 112\(4\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)

Warning and report following breach

- 8 (1) This paragraph applies where a court has made an enforcement order in respect of a person's failure to comply with a [^{F12}provision of a child arrangements] order.
- (2) If the responsible officer is of the opinion that the person has failed without reasonable excuse to comply with the unpaid work requirement imposed by the enforcement order, the officer must give the person a warning under this paragraph unless—
- (a) the person has within the previous twelve months been given a warning under this paragraph in relation to a failure to comply with the unpaid work requirement, or
 - (b) the responsible officer reports the failure to the appropriate person.
- (3) A warning under this paragraph must—
- (a) describe the circumstances of the failure,
 - (b) state that the failure is unacceptable, and
 - (c) inform the person that, if within the next twelve months he again fails to comply with the unpaid work requirement, the warning and the subsequent failure will be reported to the appropriate person.

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- (4) The responsible officer must, as soon as practicable after the warning has been given, record that fact.
- (5) If—
 - (a) the responsible officer has given a warning under this paragraph to a person subject to an enforcement order, and
 - (b) at any time within the twelve months beginning with the date on which the warning was given, the responsible officer is of the opinion that the person has since that date failed without reasonable excuse to comply with the unpaid work requirement imposed by the enforcement order,
 the officer must report the failure to the appropriate person.
- (6) A report under sub-paragraph (5) must include a report of the warning given to the person subject to the enforcement order.
- (7) The appropriate person, in relation to an enforcement order, is the officer of the Service or the Welsh family proceedings officer who is required under section 11M to report on matters relating to the enforcement order.
- (8) “Responsible officer”, in relation to a person subject to an enforcement order, has [^{F13}the meaning given by paragraph 1].

Textual Amendments

- F12** Words in Sch. A1 para. 8(1) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), Sch. 2 para. 39(2); [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F13** Words in Sch. A1 para. 8(8) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 112\(5\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Breach of an enforcement order

- 9 (1) This paragraph applies where a court has made an enforcement order (“the first order”) in respect of a person's failure to comply with a [^{F14}provision of a child arrangements] order.
- (2) If the court is satisfied beyond reasonable doubt that the person has failed to comply with the unpaid work requirement imposed by the first order, the court may—
 - (a) amend the first order so as to make the requirement more onerous, or
 - (b) make an enforcement order (“the second order”) in relation to the person and (if the first order is still in force) provide for the second order to have effect either in addition to or in substitution for the first order.
- (3) But the court may not exercise its powers under sub-paragraph (2) if it is satisfied that the person had a reasonable excuse for failing to comply with the unpaid work requirement imposed by the first order.
- (4) The burden of proof as to the matter mentioned in sub-paragraph (3) lies on the person claiming to have had a reasonable excuse, and the standard of proof is the balance of probabilities.
- (5) The court may exercise its powers under sub-paragraph (2) in relation to the first order only on the application of a person who would be able to apply under section 11J for an enforcement order if the failure to comply with the first order were

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- a failure to comply with [^{F15}a provision of the child arrangements] order to which the first order relates.
- (6) Where the person proposing to apply to the court is the child with respect to whom the [^{F16}child arrangements] order was made, subsections (6) and (7) of section 11J have effect in relation to the application as they have effect in relation to an application for an enforcement order.
- (7) An application to the court to exercise its powers under sub-paragraph (2) may only be made while the first order is in force.
- (8) The court may not exercise its powers under sub-paragraph (2) in respect of a failure by the person to comply with the unpaid work requirement imposed by the first order unless it is satisfied that before the failure occurred the person had been given (in accordance with rules of court) a copy of, or otherwise informed of the terms of, a notice under section 11N relating to the first order.
- (9) In dealing with the person under sub-paragraph (2)(a), the court may—
- (a) increase the number of hours specified in the first order (but not above the maximum specified in [^{F17}paragraph 3B(1)(b)(ii)]);
 - (b) in relation to the order, extend the period of twelve months specified in [^{F18}paragraph 3A(1)(b)].
- (10) In exercising its powers under sub-paragraph (2), the court must be satisfied that, taking into account the extent to which the person has complied with the unpaid work requirement imposed by the first order, the effect on the person of the proposed exercise of those powers—
- (a) is no more than is required to secure his compliance with the [^{F19}child arrangements] order or any child arrangements order that has effect in its place, and
 - (b) is no more than is proportionate to the seriousness of his failures to comply with the [^{F20}provisions of the child arrangements order and with] the first order.
- (11) Where the court exercises its powers under sub-paragraph (2) by making an enforcement order in relation to a person who has failed to comply with another enforcement order—
- (a) sections 11K(4), 11L(2) to (7), 11M and 11N have effect as regards the making of the order in relation to the person as they have effect as regards the making of an enforcement order in relation to a person who has failed to comply with a [^{F21}provision of a child arrangements] order;
 - (b) this Part of this Schedule has effect in relation to the order so made as if it were an enforcement order made in respect of the failure for which the other order was made.
- (12) Sub-paragraph (2) is without prejudice to section 63(3) of the Magistrates' Courts Act 1980 as it applies in relation to enforcement orders.

Textual Amendments

- F14** Words in Sch. A1 para. 9(1) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), Sch. 2 para. 39(2); [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)

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- F15** Words in Sch. A1 para. 9(5) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), Sch. 2 para. 39(4); [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F16** Words in Sch. A1 para. 9(6) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), Sch. 2 para. 39(3); [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F17** Words in Sch. A1 para. 9(9) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 112\(6\)\(a\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F18** Words in Sch. A1 para. 9(9) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 112\(6\)\(b\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F19** Words in Sch. A1 para. 9(10)(a) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), Sch. 2 para. 39(3); [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F20** Words in Sch. A1 para. 9(10)(b) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), Sch. 2 para. 39(5); [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F21** Words in Sch. A1 para. 9(11)(a) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), Sch. 2 para. 39(2); [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)

Provision relating to amendment of enforcement orders

- 10 Sections 11L(2) to (7) and 11M have effect in relation to the making of an order under paragraph 6(2), 7(2) or 9(2)(a) amending an enforcement order as they have effect in relation to the making of an enforcement order; and references in sections 11L(2) to (7) and 11M to an enforcement order are to be read accordingly.

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