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**Changes to legislation:** Children Act 1989, Cross Heading: Warning and report following breach is up to date with all changes known to be in force on or before 29 February 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 A1

#### ENFORCEMENT ORDERS

#### PART 2

##### REVOCATION, AMENDMENT OR BREACH OF ENFORCEMENT ORDER

###### *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 [F1provision 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.
- (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.

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- (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 [<sup>F2</sup>the meaning given by paragraph 1].

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#### Textual Amendments

- F1** 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)
- F2** 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

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