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**Changes to legislation:** Criminal Justice and Immigration Act 2008, Cross Heading: Fostering requirement is up to date with all changes known to be in force on or before 23 February 2019. 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)

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## SCHEDULES

### SCHEDULE 1

#### FURTHER PROVISIONS ABOUT YOUTH REHABILITATION ORDERS

#### PART 2

#### REQUIREMENTS

##### *Fostering requirement*

- 18 (1) In this Part of this Act “fostering requirement”, in relation to a youth rehabilitation order, means a requirement that, for a period specified in the order, the offender must reside with a local authority foster parent.
- (2) A period specified in a youth rehabilitation order as a period for which the offender must reside with a local authority foster parent must—
- (a) end no later than the end of the period of 12 months beginning with the date on which the requirement first has effect (but subject to paragraphs 6(9), 8(9) and 16(2) of Schedule 2), and
  - (b) not include any period after the offender has reached the age of 18.
- (3) A youth rehabilitation order which imposes a fostering requirement must specify the local authority which is to place the offender with a local authority foster parent under section [F<sup>1</sup>22C] of the Children Act 1989 (c. 41) [F<sup>2</sup>or section 81 of the Social Services and Well-being (Wales) Act 2014.]
- (4) The authority so specified must be the local authority in whose area the offender resides or is to reside.
- (5) If at any time during the period specified under sub-paragraph (1), the responsible officer notifies the offender—
- (a) that no suitable local authority foster parent is available, and
  - (b) that the responsible officer has applied or proposes to apply under Part 3 or 4 of Schedule 2 for the revocation or amendment of the order,
- the fostering requirement is, until the determination of the application, to be taken to require the offender to reside in accommodation provided by or on behalf of a local authority.
- (6) This paragraph does not affect the power of a local authority to place with a local authority foster parent an offender in respect of whom a local authority residence requirement is imposed.
- (7) A court may not include a fostering requirement in a youth rehabilitation order unless the court has been notified by the Secretary of State that arrangements for implementing such a requirement are available in the area of the local authority which is to place the offender with a local authority foster parent.

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(8) In this paragraph, “local authority foster parent” has the same meaning as it has in [<sup>F3</sup>section 105(1) of] the Children Act 1989.

**Annotations:**

**Amendments (Textual)**

- F1** Word in Sch. 1 para. 18(3) substituted (1.4.2011 for E., 6.4.2016 for W.) by Children and Young Persons Act 2008 (c. 23), s. 44(4), **Sch. 1 para. 21**; S.I. 2010/2981, art. 4(a); S.I. 2016/452, art. 2(b)
- F2** Words in Sch. 1 para. 18(3) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **260(a)**
- F3** Words in Sch. 1 para. 18(8) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **260(b)**

**Commencement Information**

- I1** Sch. 1 para. 18 in force at 30.11.2009 by S.I. 2009/3074, **art. 2(m)**

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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):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)