



Crime and Disorder Act 1998

1998 CHAPTER 37

PART I

PREVENTION OF CRIME AND DISORDER

CHAPTER I

ENGLAND AND WALES

Youth crime and disorder

8 Parenting orders.

- (1) This section applies where, in any court proceedings—
- (a) a child safety order is made in respect of a child [^{F1}or the court determines on an application under section 12(6) below that a child has failed to comply with any requirement included in such an order];
 - [^{F2}(aa) a parental compensation order is made in relation to a child's behaviour;]
 - (b) an anti-social behaviour order or [^{F3}sexual offences prevention order] is made in respect of a child or young person;
 - (c) a child or young person is convicted of an offence; or
 - (d) a person is convicted of an offence under section 443 (failure to comply with school attendance order) or section 444 (failure to secure regular attendance at school of registered pupil) of the ^{M1}Education Act 1996.
- (2) Subject to subsection (3) and section 9(1) below ^{F4}. . . , if in the proceedings the court is satisfied that the relevant condition is fulfilled, it may make a parenting order in respect of a person who is a parent or guardian of the child or young person or, as the case may be, the person convicted of the offence under section 443 or 444 (“the parent”).

Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.

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- (3) A court shall not make a parenting order unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area in which it appears to the court that the parent resides or will reside and the notice has not been withdrawn.
- [^{F5}(4) A parenting order is an order which requires the parent—
- (a) to comply, for a period not exceeding twelve months, with such requirements as are specified in the order, and
 - (b) subject to subsection (5) below, to attend, for a concurrent period not exceeding three months, such counselling or guidance programme as may be specified in directions given by the responsible officer.
- (5) A parenting order may, but need not, include such a requirement as is mentioned in subsection (4)(b) above in any case where a parenting order under this section or any other enactment has been made in respect of the parent on a previous occasion.]
- (6) The relevant condition is that the parenting order would be desirable in the interests of preventing—
- (a) in a case falling within paragraph (a) [^{F6}, (aa)] or (b) of subsection (1) above, any repetition of the kind of behaviour which led to the child safety order, [^{F7}parental compensation order,] anti-social behaviour order or [^{F3}sexual offences prevention order] being made;
 - (b) in a case falling within paragraph (c) of that subsection, the commission of any further offence by the child or young person;
 - (c) in a case falling within paragraph (d) of that subsection, the commission of any further offence under section 443 or 444 of the ^{M2}Education Act 1996.
- (7) The requirements that may be specified under subsection (4)(a) above are those which the court considers desirable in the interests of preventing any such repetition or, as the case may be, the commission of any such further offence.
- [^{F8}(7A) A counselling or guidance programme which a parent is required to attend by virtue of subsection (4)(b) above may be or include a residential course but only if the court is satisfied—
- (a) that the attendance of the parent at a residential course is likely to be more effective than his attendance at a non-residential course in preventing any such repetition or, as the case may be, the commission of any such further offence, and
 - (b) that any interference with family life which is likely to result from the attendance of the parent at a residential course is proportionate in all the circumstances.]

(8) In this section and section 9 below “responsible officer”, in relation to a parenting order, means one of the following who is specified in the order, namely—

 - (a) [^{F9}an officer of a local probation board] ;
 - (b) a social worker of a local authority ^{F10}. . . ; and
 - [^{F11}(bb) a person nominated by [^{F12}a person appointed as director of children’s services under section 18 of the Children Act 2004 or by] a person appointed as chief education officer under section 532 of the ^{M3}Education Act 1996]
 - (c) a member of a youth offending team.

[^{F13}(9) In this section “sexual offences prevention order” means an order under section 104 of the Sexual Offences Act 2003 (sexual offences prevention orders).]

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Textual Amendments

- F1** Words in s. 8(1)(a) inserted (1.3.2005) by Children Act 2004 (c. 31), **ss. 60(2)**, 67(7)(h); S.I. 2005/394, **art. 2(1)(j)**
- F2** S. 8(1)(aa) inserted (20.7.2006 in relation to specified areas) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 144, 178(8), **Sch. 10 para. 3(2)**; S.I. 2006/1871, **art. 2**, Sch. (as amended by S.I. 2006/2182, art. 3)
- F3** Words in s. 8(1)(b)(6)(a) substituted (8.11.2006) by Violent Crime Reduction Act 2006 (c. 38), **ss. 60(2)(a)**, 66(2)(d) (with s. 60(4))
- F4** Words in s. 8(2) omitted (27.2.2004) by virtue of Criminal Justice Act 2003 (c. 44), ss. 324, 336(3), Sch. 34 para. 1; S.I. 2004/81, **art. 5(2)(d)** (and those same words repealed (15.12.2004) by Pt. 12 of Sch. 37 to that Act; S.I. 2004/3033, art. 3(2)(e)(ii)(cc))
- F5** S. 8(4)(5) substituted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 18(2)**, 93(1); S.I. 2003/3300, **art. 3(a)(i)**
- F6** Words in s. 8(6)(a) inserted (20.7.2006 in relation to specified areas) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 144, 178(8), **Sch. 10 para. 3(3)(a)**; S.I. 2006/1871, **art. 2**, Sch. (as amended by S.I. 2006/2182, art. 3)
- F7** Words in s. 8(6)(a) inserted (20.7.2006 in relation to specified areas) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 144, 178(8), **Sch. 10 para. 3(3)(b)**; S.I. 2006/1871, **art. 2**, Sch. (as amended by S.I. 2006/2182, art. 3)
- F8** S. 8(7A) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 18(3)**, 93(1); S.I. 2003/3300, **art. 3(a)(i)**
- F9** Words in s. 8(8)(a) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 4(1)(a)(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F10** Words in s. 8(8)(b) repealed (1.4.2005 for E. and 1.4.2006 for W.) by Children Act 2004 (c. 31), ss. 64, 67(8), **Sch. 5 Pt. 4**, Note; S.I. 2005/394, **art. 2(2)(g)**; S.I. 2006/885, **art. 2(2)(h)**
- F11** S. 8(8)(bb) inserted (1.4.2001) by 2000 c. 43, s. 73; S.I. 2001/919, **art. 2(d)**
- F12** Words in s. 8(8)(bb) inserted (with effect for specified purposes as mentioned in s. 18(9)(a) of the amending Act, otherwise 1.1.2008) by Children Act 2004 (c. 31), ss. 18(9)(10), 67(2), **Sch. 2 para. 5(2)**; S.I. 2007/1792, **art. 2**
- F13** S. 8(9) inserted (8.11.2006) by Violent Crime Reduction Act 2006 (c. 38), **ss. 60(2)(b)**, 66(2)(d) (with s. 60(4))

Modifications etc. (not altering text)

- C1** S. 8 restricted (26.6.2000) by 1999 c. 23, **ss. 4(5)(6)**, (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1587, **art. 2**; which s. 4 of that 1999 Act was repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Commencement Information

- I1** S. 8 wholly in force; S. 8 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

Marginal Citations

- M1** 1996 c.56.
M2 1996 c.56.
M3 1996 c. 56.

9 Parenting orders: supplemental.

- (1) Where a person under the age of 16 is convicted of an offence, the court by or before which he is so convicted—

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- (a) if it is satisfied that the relevant condition is fulfilled, shall make a parenting order; and
 - (b) if it is not so satisfied, shall state in open court that it is not and why it is not.
- [^{F14}(1A) The requirements of subsection (1) do not apply where the court makes a referral order in respect of the offence.]
- [^{F15}(1B) If an anti-social behaviour order is made in respect of a person under the age of 16 the court which makes the order—
- (a) must make a parenting order if it is satisfied that the relevant condition is fulfilled;
 - (b) if it is not so satisfied, must state in open court that it is not and why it is not.]
- (2) Before making a parenting order—
- (a) in a case falling within paragraph (a) of subsection (1) of section 8 above;
 - (b) in a case falling within paragraph (b) or (c) of that subsection, where the person concerned is under the age of 16; or
 - (c) in a case falling within paragraph (d) of that subsection, where the person to whom the offence related is under that age,
- a court shall obtain and consider information about the person’s family circumstances and the likely effect of the order on those circumstances.
- [^{F16}(2A) In a case where a court proposes to make both a referral order in respect of a child or young person convicted of an offence and a parenting order, before making the parenting order the court shall obtain and consider a report by an appropriate officer—
- (a) indicating the requirements proposed by that officer to be included in the parenting order;
 - (b) indicating the reasons why he considers those requirements would be desirable in the interests of preventing the commission of any further offence by the child or young person; and
 - (c) if the child or young person is aged under 16, containing the information required by subsection (2) above.
- (2B) In subsection (2A) above “an appropriate officer” means—
- (a) an officer of a local probation board;
 - (b) a social worker of a local authority ^{F17}. . . ; or
 - (c) a member of a youth offending team.]
- (3) Before making a parenting order, a court shall explain to the parent in ordinary language—
- (a) the effect of the order and of the requirements proposed to be included in it;
 - (b) the consequences which may follow (under subsection (7) below) if he fails to comply with any of those requirements; and
 - (c) that the court has power (under subsection (5) below) to review the order on the application either of the parent or of the responsible officer.
- (4) Requirements specified in, and directions given under, a parenting order shall, as far as practicable, be such as to avoid—
- (a) any conflict with the parent’s religious beliefs; and
 - (b) any interference with the times, if any, at which he normally works or attends an educational establishment.

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- (5) If while a parenting order is in force it appears to the court which made it, on the application of the responsible officer or the parent, that it is appropriate to make an order under this subsection, the court may make an order discharging the parenting order or varying it—
- (a) by cancelling any provision included in it; or
 - (b) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that could have been included in the order if the court had then had power to make it and were exercising the power.
- (6) Where an application under subsection (5) above for the discharge of a parenting order is dismissed, no further application for its discharge shall be made under that subsection by any person except with the consent of the court which made the order.
- (7) If while a parenting order is in force the parent without reasonable excuse fails to comply with any requirement included in the order, or specified in directions given by the responsible officer, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[^{F18}(7A) In this section “referral order” means an order under section 16(2) or (3) of the Powers of Criminal Courts (Sentencing) Act 2000 (referral of offender to youth offender panel).]

Textual Amendments

- F14** S. 9(1A) substituted (27.2.2004) by Criminal Justice Act 2003 (c. 44), ss. 324, 336(3), **Sch. 34 para. 2(2)**; S.I. 2004/81, **art. 5(2)(d)**
- F15** S. 9(1B) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 85(8)**, 93(1) (with s. 84); S.I. 2003/3300, **art. 3(c)**
- F16** S. 9(2A)(2B) inserted (27.2.2004) by Criminal Justice Act 2003 (c. 44), ss. 324, 336(3), **Sch. 34 para. 2(3)**; S.I. 2004/81, **art. 5(2)(d)**
- F17** Words in s. 9(2B)(b) repealed (1.4.2005 for E. and 1.4.2006 for W.) by Children Act 2004 (c. 31), ss. 64, 67(8), **Sch. 5 Pt. 4**, Note; S.I. 2005/394, **art. 2(2)(g)**; S.I. 2006/885, **art. 2(2)(h)**
- F18** S. 9(7A) inserted (27.2.2004) by Criminal Justice Act 2003 (c. 44), ss. 324, 336(3), **Sch. 34 para. 2(4)**; S.I. 2004/81, **art. 5(2)(d)**

Modifications etc. (not altering text)

- C2** S. 9(3)–(7) applied (27.2.2004 for E. and 11.5.2006 for W.) by Anti-social Behaviour Act 2003 (c. 38), **ss. 21(3)**, 93(1); S.I. 2003/3300, **art. 4(c)**; S.I. 2006/1278, **art. 2**
- C3** S. 9(3)–(7) applied (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 27(3)**, 93(1); S.I. 2003/3300, **art. 3(a)(iii)**

Commencement Information

- I2** S. 9 wholly in force; S. 9 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in **arts. 5-8**)

10 Appeals against parenting orders.

- (1) An appeal shall lie—
- (a) to the High Court against the making of a parenting order by virtue of paragraph (a) of subsection (1) of section 8 above; and

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- (b) to the Crown Court against the making of a parenting order by virtue of paragraph (b) of that subsection.
- (2) On an appeal under subsection (1) above the High Court or the Crown Court—
- (a) may make such orders as may be necessary to give effect to its determination of the appeal; and
- (b) may also make such incidental or consequential orders as appear to it to be just.
- (3) Any order of the High Court or the Crown Court made on an appeal under subsection (1) above (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes of subsections (5) to (7) of section 9 above, be treated as if it were an order of the court from which the appeal was brought and not an order of the High Court or the Crown Court.
- (4) A person in respect of whom a parenting order is made by virtue of section 8(1)(c) above shall have the same right of appeal against the making of the order as if—
- (a) the offence that led to the making of the order were an offence committed by him; and
- (b) the order were a sentence passed on him for the offence.
- (5) A person in respect of whom a parenting order is made by virtue of section 8(1)(d) above shall have the same right of appeal against the making of the order as if the order were a sentence passed on him for the offence that led to the making of the order.
- (6) The Lord Chancellor may [^{F19} with the concurrence of the Lord Chief Justice,] by order make provision as to the circumstances in which appeals under subsection (1) (a) above may be made against decisions taken by courts on questions arising in connection with the transfer, or proposed transfer, of proceedings by virtue of any order under paragraph 2 of Schedule 11 (jurisdiction) to the ^{M4}Children Act 1989 (“the 1989 Act”).
- (7) Except to the extent provided for in any order made under subsection (6) above, no appeal may be made against any decision of a kind mentioned in that subsection.
- [^{F20}(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F19** Words in s. 10(6) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 148(1), 15, [Sch. 4 para. 277\(2\)](#); S.I. 2006/1014 {art. 2(a)}, Sch. 1 para. 11(v)
- F20** S. 10(8) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 148(1), 15, [Sch. 4 para. 277\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(v)

Modifications etc. (not altering text)

- C4** S. 10(2)(3) applied (27.2.2004 for E. and 11.5.2006 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. [22\(2\)](#), 93(1); S.I. 2003/3300, [art. 4\(d\)](#); S.I. 2006/1278 {art. 2}
- C5** S. 10(2)(3) applied (27.2.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. [28\(2\)](#), 93(1); S.I. 2003/3300, [art. 3\(a\)\(iii\)](#)

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Commencement Information

I3 S. 10 wholly in force at 1.6.2000; S. 10 not in force at Royal Assent see s. 121; S. 10(1)-(5) in force at 30.9.1998 by [S.I. 1998/2327](#), [art. 2\(1\)](#) (subject to savings in [arts. 5-8](#)); s. 10(6)(7) in force at 1.6.2000 by [S.I. 2000/924](#), [art. 5](#)

Marginal Citations

M4 [1989 c.41](#).

11 Child safety orders.

- (1) Subject to subsection (2) below, if a magistrates' court, on the application of a local authority, is satisfied that one or more of the conditions specified in subsection (3) below are fulfilled with respect to a child under the age of 10, it may make an order (a "child safety order") which—
 - (a) places the child, for a period (not exceeding the permitted maximum) specified in the order, under the supervision of the responsible officer; and
 - (b) requires the child to comply with such requirements as are so specified.
- (2) A court shall not make a child safety order unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area in which it appears that the child resides or will reside and the notice has not been withdrawn.
- (3) The conditions are—
 - (a) that the child has committed an act which, if he had been aged 10 or over, would have constituted an offence;
 - (b) that a child safety order is necessary for the purpose of preventing the commission by the child of such an act as is mentioned in paragraph (a) above;
 - (c) that the child has contravened a ban imposed by a curfew notice; and
 - (d) that the child has acted in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself.
- (4) The maximum period permitted for the purposes of subsection (1)(a) above is [^{F21}twelve months].
- (5) The requirements that may be specified under subsection (1)(b) above are those which the court considers desirable in the interests of—
 - (a) securing that the child receives appropriate care, protection and support and is subject to proper control; or
 - (b) preventing any repetition of the kind of behaviour which led to the child safety order being made.
- (6) Proceedings under this section or section 12 below shall be family proceedings for the purposes of the 1989 Act or section 65 of the ^{M5}Magistrates' Courts Act 1980 ("the 1980 Act"); and the standard of proof applicable to such proceedings shall be that applicable to civil proceedings.
- (7) In this section "local authority" has the same meaning as in the 1989 Act.
- (8) In this section and section 12 below, "responsible officer", in relation to a child safety order, means one of the following who is specified in the order, namely—

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- (a) a social worker of a local authority^{F22} . . . ; and
- (b) a member of a youth offending team.

Textual Amendments

- F21** Words in s. 11(4) substituted (1.3.2005) by Children Act 2004 (c. 31), ss. 60(3), 67(7)(h); S.I. 2005/394, art. 2(1)(j)
- F22** Words in s. 11(8)(a) repealed (1.4.2005 for E. and 1.4.2006 for W.) by Children Act 2004 (c. 31), ss. 64, 67(8), Sch. 5 Pt. 4, Note; S.I. 2005/394, art. 2(2)(g); S.I. 2006/885, art. 2(2)(h)

Commencement Information

- I4** S. 11 wholly in force; S. 11 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Marginal Citations

- M5** 1980 c.43.

12 Child safety orders: supplemental.

- (1) Before making a child safety order, a magistrates' court shall obtain and consider information about the child's family circumstances and the likely effect of the order on those circumstances.
- (2) Before making a child safety order, a magistrates' court shall explain to the parent or guardian of the child in ordinary language—
 - (a) the effect of the order and of the requirements proposed to be included in it;
 - (b) the consequences which may follow (under subsection (6) below) if the child fails to comply with any of those requirements; and
 - (c) that the court has power (under subsection (4) below) to review the order on the application either of the parent or guardian or of the responsible officer.
- (3) Requirements included in a child safety order shall, as far as practicable, be such as to avoid—
 - (a) any conflict with the parent's religious beliefs; and
 - (b) any interference with the times, if any, at which the child normally attends school.
- (4) If while a child safety order is in force in respect of a child it appears to the court which made it, on the application of the responsible officer or a parent or guardian of the child, that it is appropriate to make an order under this subsection, the court may make an order discharging the child safety order or varying it—
 - (a) by cancelling any provision included in it; or
 - (b) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that could have been included in the order if the court had then had power to make it and were exercising the power.
- (5) Where an application under subsection (4) above for the discharge of a child safety order is dismissed, no further application for its discharge shall be made under that subsection by any person except with the consent of the court which made the order.
- (6) Where a child safety order is in force and it is proved to the satisfaction of the court which made it or another magistrates' court [^{F23}acting in the same local justice area],

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on the application of the responsible officer, that the child has failed to comply with any requirement included in the order, the court—

- (a) ^{F24}
- (b) may make an order varying the order—
 - (i) by cancelling any provision included in it; or
 - (ii) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that could have been included in the order if the court had then had power to make it and were exercising the power.

(7) ^{F24}

Textual Amendments

F23 Words in s. 12(6) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 57](#)

F24 S. 12(6)(a)(7) repealed (1.3.2005) by [Children Act 2004 \(c. 31\)](#), ss. 60(4), 67(7)(h), [Sch. 5 Pt. 6](#), Note; S.I. 2005/394, [art. 2\(1\)\(j\)](#)

Commencement Information

I5 S. 12 wholly in force; S. 12 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, [art. 2\(1\)](#) (subject to savings in [arts. 5-8](#))

13 Appeals against child safety orders.

- (1) An appeal shall lie to the High Court against the making by a magistrates' court of a child safety order; and on such an appeal the High Court—
 - (a) may make such orders as may be necessary to give effect to its determination of the appeal; and
 - (b) may also make such incidental or consequential orders as appear to it to be just.
- (2) Any order of the High Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes of subsections (4) to (6) of section 12 above, be treated as if it were an order of the magistrates' court from which the appeal was brought and not an order of the High Court.
- (3) Subsections (6) and (7) of section 10 above shall apply for the purposes of subsection (1) above as they apply for the purposes of subsection (1)(a) of that section.

Commencement Information

I6 S. 13 wholly in force at 1.6.2000; S. 13 not in force at Royal Assent see s. 121; S. 13(1)(2) in force at 30.9.1998 by S.I. 1998/2327, [art. 2\(1\)](#) (subject to savings in [arts. 5-8](#)); s. 13(3) in force at 1.6.2000 by S.I. 2000/924, [art. 5](#)

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[^{F25}13A Parental compensation orders

- (1) A magistrates' court may make an order under this section (a “parental compensation order”) if on the application of a local authority it is satisfied, on the civil standard of proof—
 - (a) that the condition mentioned in subsection (2) below is fulfilled with respect to a child under the age of 10; and
 - (b) that it would be desirable to make the order in the interests of preventing a repetition of the behaviour in question.
- (2) The condition is that the child has taken, or caused loss of or damage to, property in the course of—
 - (a) committing an act which, if he had been aged 10 or over, would have constituted an offence; or
 - (b) acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself.
- (3) A parental compensation order is an order which requires any person specified in the order who is a parent or guardian of the child (other than a local authority) to pay compensation of an amount specified in the order to any person or persons specified in the order who is, or are, affected by the taking of the property or its loss or damage.
- (4) The amount of compensation specified may not exceed £5,000 in all.
- (5) The Secretary of State may by order amend subsection (4) above so as to substitute a different amount.
- (6) For the purposes of collection and enforcement, a parental compensation order is to be treated as if it were a sum adjudged to be paid on the conviction by the magistrates' court which made the order of the person or persons specified in the order as liable to pay the compensation.
- (7) In this section and sections 13B and 13C below, “local authority” has the same meaning as in the 1989 Act.

Textual Amendments

F25 Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 144, 178(8), [Sch. 10 para. 2](#); [S.I. 2006/1871](#), [art. 2](#), [Sch.](#) (as amended by [S.I. 2006/2182](#), [art. 3](#))

13B Parental compensation orders: the compensation

- (1) When specifying the amount of compensation for the purposes of section 13A(3) above, the magistrates' court shall take into account—
 - (a) the value of the property taken or damaged, or whose loss was caused, by the child;
 - (b) any further loss which flowed from the taking of or damage to the property, or from its loss;
 - (c) whether the child, or any parent or guardian of his, has already paid any compensation for the property (and if so, how much);
 - (d) whether the child, or any parent or guardian of his, has already made any reparation (and if so, what it consisted of);

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- (e) the means of those to be specified in the order as liable to pay the compensation, so far as the court can ascertain them;
 - (f) whether there was any lack of care on the part of the person affected by the taking of the property or its loss or damage which made it easier for the child to take or damage the property or to cause its loss.
- (2) If property taken is recovered before compensation is ordered to be paid in respect of it—
- (a) the court shall not order any such compensation to be payable in respect of it if it is not damaged;
 - (b) if it is damaged, the damage shall be treated for the purposes of making a parental compensation order as having been caused by the child, regardless of how it was caused and who caused it.
- (3) The court shall specify in the order how and by when the compensation is to be paid (for example, it may specify that the compensation is to be paid by instalments, and specify the date by which each instalment must be paid).
- (4) For the purpose of ascertaining the means of the parent or guardian, the court may, before specifying the amount of compensation, order him to provide the court, within such period as it may specify in the order, such a statement of his financial circumstances as the court may require.
- (5) A person who without reasonable excuse fails to comply with an order under subsection (4) above is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) If, in providing a statement of his financial circumstances pursuant to an order under subsection (4) above, a person—
- (a) makes a statement which he knows to be false in a material particular;
 - (b) recklessly provides a statement which is false in a material particular; or
 - (c) knowingly fails to disclose any material fact,
- he is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) Proceedings in respect of an offence under subsection (6) above may, despite anything in section 127(1) of the 1980 Act (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months of its first discovery by the local authority, whichever period expires earlier.

Textual Amendments

F25 Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 144, 178(8), [Sch. 10 para. 2](#); S.I. 2006/1871, [art. 2](#), [Sch.](#) (as amended by S.I. 2006/2182, [art. 3](#))

13C Parental compensation orders: supplemental

- (1) Before deciding whether or not to make a parental compensation order in favour of any person, the magistrates' court shall take into account the views of that person about whether a parental compensation order should be made in his favour.

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- (2) Before making a parental compensation order, the magistrates' court shall obtain and consider information about the child's family circumstances and the likely effect of the order on those circumstances.
- (3) Before making a parental compensation order, a magistrates' court shall explain to the parent or guardian of the child in ordinary language—
 - (a) the effect of the order and of the requirements proposed to be included in it;
 - (b) the consequences which may follow (under subsection (4)(b) below) as a result of failure to comply with any of those requirements;
 - (c) that the court has power (under subsection (4)(a) below) to review the order on the application either of the parent or guardian or of the local authority.
- (4) A magistrates' court which has made a parental compensation order may make an order under subsection (5) below if while the order is in force—
 - (a) it appears to the court, on the application of the local authority, or the parent or guardian subject to the order, that it is appropriate to make an order under subsection (5); or
 - (b) it is proved to the satisfaction of the court, on the application of the local authority, that the parent or guardian subject to it has failed to comply with any requirement included in the order.
- (5) An order under this subsection is an order discharging the parental compensation order or varying it—
 - (a) by cancelling any provision included in it; or
 - (b) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that could have been included in the order if the court had then had power to make it and were exercising the power.
- (6) Where an application under subsection (4) above for the discharge of a parental compensation order is dismissed, no further application for its discharge shall be made under that subsection by any person except with the consent of the court which made the order.
- (7) References in this section to the magistrates' court which made a parental compensation order include any magistrates' court acting in the same local justice area as that court.

Textual Amendments

F25 Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 144, 178(8), [Sch. 10 para. 2](#); S.I. 2006/1871, [art. 2](#), [Sch.](#) (as amended by S.I. 2006/2182, [art. 3](#))

13D Parental compensation orders: appeal

- (1) If a magistrates' court makes a parental compensation order, the parent or guardian may appeal against the making of the order, or against the amount of compensation specified in the order.
- (2) The appeal lies to the Crown Court.
- (3) On the appeal the Crown Court—

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- (a) may make such orders as may be necessary to give effect to its determination of the appeal;
 - (b) may also make such incidental or consequential orders as appear to it to be just.
- (4) Any order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes of section 13C above, be treated as if it were an order of the magistrates' court from which the appeal was brought and not an order of the Crown Court.
- (5) A person in whose favour a parental compensation order is made shall not be entitled to receive any compensation under it until (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal on which the order could be varied or set aside.

Textual Amendments

F25 Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 144, 178(8), [Sch. 10 para. 2](#); S.I. 2006/1871, [art. 2](#), [Sch.](#) (as amended by S.I. 2006/2182, [art. 3](#))

13E Effect of parental compensation order on subsequent award of damages in civil proceedings

- (1) This section has effect where—
- (a) a parental compensation order has been made in favour of any person in respect of any taking or loss of property or damage to it; and
 - (b) a claim by him in civil proceedings for damages in respect of the taking, loss or damage is then to be determined.
- (2) The damages in the civil proceedings shall be assessed without regard to the parental compensation order, but the claimant may recover only an amount equal to the aggregate of the following—
- (a) any amount by which they exceed the compensation; and
 - (b) a sum equal to any portion of the compensation which he fails to recover.
- (3) The claimant may not enforce the judgment, so far as it relates to such a sum as is mentioned in subsection (2)(b) above, without the permission of the court.]

Textual Amendments

F25 Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 144, 178(8), [Sch. 10 para. 2](#); S.I. 2006/1871, [art. 2](#), [Sch.](#) (as amended by S.I. 2006/2182, [art. 3](#))

14 Local child curfew schemes.

- (1) A local authority [^{F26}or a chief officer of police] may make a scheme (a “local child curfew scheme”) for enabling the authority [^{F27}or (as the case may be) the officer]—
- (a) subject to and in accordance with the provisions of the scheme; and

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- (b) if, after such consultation as is required by the scheme, the authority [^{F27}or (as the case may be) the officer] considers it necessary to do so for the purpose of maintaining order,
to give a notice imposing, for a specified period (not exceeding 90 days), a ban to which subsection (2) below applies.
- (2) This subsection applies to a ban on children of specified ages (^{F28}under 16]) being in a public place within a specified area—
- (a) during specified hours (between 9 pm and 6 am); and
 - (b) otherwise than under the effective control of a parent or a responsible person aged 18 or over.
- (3) Before making a local child curfew scheme, a local authority shall consult—
- (a) every chief officer of police any part of whose police area lies within its area; and
 - (b) such other persons or bodies as it considers appropriate.
- [^{F29}(3A) Before making a local child curfew scheme, a chief officer of police shall consult—
- (a) every local authority any part of whose area lies within the area to be specified; and
 - (b) such other persons or bodies as he considers appropriate.]

[^{F30}(4) A local child curfew scheme shall, if made by a local authority, be made under the common seal of the authority.

(4A) A local child curfew scheme shall not have effect until it is confirmed by the Secretary of State.]

(5) The Secretary of State—

 - (a) may confirm, or refuse to confirm, a local child curfew scheme submitted under this section for confirmation; and
 - (b) may fix the date on which such a scheme is to come into operation;

and if no date is so fixed, the scheme shall come into operation at the end of the period of one month beginning with the date of its confirmation.

(6) A notice given under a local child curfew scheme (a “curfew notice”) may specify different hours in relation to children of different ages.

(7) A curfew notice shall be given—

 - (a) by posting the notice in some conspicuous place or places within the specified area; and
 - (b) in such other manner, if any, as appears to the local authority [^{F31}or (as the case may be) the chief officer of police] to be desirable for giving publicity to the notice.

(8) In this section—

“local authority” means—

 - (a) in relation to England, the council of a district or London borough, the Common Council of the City of London, the Council of the Isle of Wight and the Council of the Isles of Scilly;
 - (b) in relation to Wales, the council of a county or county borough;

“public place” has the same meaning as in Part II of the ^{M6}Public Order Act 1986.

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Textual Amendments

- F26** Words in s. 14(1) inserted (1.8.2001) by 2001 c. 16, s. 49(2)(a); S.I. 2001/2223, art. 3
F27 Words in s. 14(1) inserted (1.8.2001) by 2001 c. 16, s. 49(2)(b); S.I. 2001/2223, art. 3
F28 Words in s. 14(2) substituted (1.8.2001) by 2001 c. 16, s. 48; S.I. 2001/2223, art. 3
F29 S. 14(3A) inserted (1.8.2001) by 2001 c. 16, s. 49(3); S.I. 2001/2223, art. 3
F30 S. 14(4)(4A) substituted (1.8.2001) for s. 14(4) by 2001 c. 16, s. 49(4); S.I. 2001/2223, art. 3
F31 Words in s. 14(7)(b) inserted (1.8.2001) by 2001 c. 16, s. 49(5); S.I. 2001/2223, art. 3

Commencement Information

- I7** S. 14 wholly in force; S. 14 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Marginal Citations

- M6** 1986 c.64.

15 Contravention of curfew notices.

- (1) Subsections (2) and (3) below apply where a constable has reasonable cause to believe that a child is in contravention of a ban imposed by a curfew notice.
- (2) The constable shall, as soon as practicable, inform the local authority for the area that the child has contravened the ban.
- (3) The constable may remove the child to the child's place of residence unless he has reasonable cause to believe that the child would, if removed to that place, be likely to suffer significant harm.
- (4) In subsection (1) of section 47 of the 1989 Act (local authority's duty to investigate)—
 - (a) in paragraph (a), after sub-paragraph (ii) there shall be inserted the following sub-paragraph—

“(iii) has contravened a ban imposed by a curfew notice within the meaning of Chapter I of Part I of the Crime and Disorder Act 1998; or”;

and
 - (b) at the end there shall be inserted the following paragraph— “ In the case of a child falling within paragraph (a)(iii) above, the enquiries shall be commenced as soon as practicable and, in any event, within 48 hours of the authority receiving the information. ”

Modifications etc. (not altering text)

- C6** S. 15(1)-(3) applied (with modifications) (20.1.2004) by Police Reform Act 2002 (c. 30), Sch. 4 para. 4B (as inserted by Anti-social Behaviour Act 2003 (c. 38), ss. 33(3), 93(1); S.I. 2003/3300, art. 2(b))

Commencement Information

- I8** S. 15 wholly in force; S. 15 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.

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VALID FROM 12/01/2010

16 Removal of truants [^{F32}and excluded pupils] to designated premises etc.

- (1) This section applies where a local authority—
- (a) designates premises in a police area (“designated premises”) as premises to which children and young persons of compulsory school age may be removed under this section; and
 - (b) notifies the chief officer of police for that area of the designation.
- (2) A police officer of or above the rank of superintendent may direct that the powers conferred on a constable by [^{F33}subsections (3) and (3ZA)] below—
- (a) shall be exercisable as respects any area falling within the police area and specified in the direction; and
 - (b) shall be so exercisable during a period so specified;
- and references in [^{F34}each of those subsections] to a specified area and a specified period shall be construed accordingly.
- (3) If a constable has reasonable cause to believe that a child or young person found by him in a public place in a specified area during a specified period—
- (a) is of compulsory school age; and
 - (b) is absent from a school without lawful authority,
- the constable may remove the child or young person to designated premises, or to the school from which he is so absent.
- [^{F35}(3ZA) If a constable has reasonable cause to believe that a child or young person found by him in a public place in a specified area during a specified period and during school hours—
- (a) is of compulsory school age,
 - (b) has been excluded on disciplinary grounds from a relevant school for a fixed period or permanently,
 - (c) remains excluded from that school,
 - (d) has not subsequently been admitted as a pupil to any other school, and
 - (e) has no reasonable justification for being in the public place,
- the constable may remove the child or young person to designated premises.]
- [^{F36}(3A) Subsection (2) shall have effect in relation to The British Transport Police Force; and for that purpose the reference to any area falling within the police area shall be treated as a reference to any area in a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.]
- [^{F37}(3B) In subsection (3ZA), “school hours” means any time during a school session of the school referred to in paragraph (b) of that subsection or during a break between sessions of that school on the same day.]
- (4) A child’s or young person’s absence from a school shall be taken to be without lawful authority [^{F38}unless the child or young person is prevented from attending by sickness or other unavoidable cause or the absence falls within subsection (3) (leave or day set apart for religious observance) of section 444 of the Education Act 1996].
- (5) In this section—

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[^{F39}“British Transport Police” means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);]

“local authority” means—

- (a) in relation to England, a county council, a district council whose district does not form part of an area that has a county council, a London borough council or the Common Council of the City of London;
- (b) in relation to Wales, a county council or a county borough council;

^{F40}
...

“public place” has the same meaning as in [^{F41}Part 2 of the Public Order Act 1986];

[^{F42}“relevant school” has the meaning given by section 111 of the Education and Inspections Act 2006;]

“school” has the same meaning as in the ^{M7}Education Act 1996.

Textual Amendments

- F32** Words in s. 16 heading inserted (1.9.2007 for E. and 31.10.2010 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 108(6)**, 188(3); S.I. 2007/1801, **art. 3(e)**; S.I. 2010/2543, **art. 2(j)**
- F33** Words in s. 16(2) inserted (1.9.2007 for E. and 31.10.2010 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 108(2)(a)**, 188(3); S.I. 2007/1801, **art. 3(e)**; S.I. 2010/2543, **art. 2(j)**
- F34** Words in s. 16(2) substituted (1.9.2007 for E. and 31.10.2010 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 108(2)(b)**, 188(3); S.I. 2007/1801, **art. 3(e)**; S.I. 2010/2543, **art. 2(j)**
- F35** S. 16(3ZA) inserted (1.9.2007 for E. and 31.10.2010 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 108(3)**, 188(3); S.I. 2007/1801, **art. 3(e)**; S.I. 2010/2543, **art. 2(j)**
- F36** S. 16(3A) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(5)(c)**
- F37** S. 16(3B) inserted (1.9.2007 for E. and 31.10.2010 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 108(4)**, 188(3); S.I. 2007/1801, **art. 3(e)**; S.I. 2010/2543, **art. 2(j)**
- F38** Words in s. 16(4) substituted (8.11.2006) by Education and Inspections Act 2006 (c. 40), **ss. 109(10)**, 188(1)
- F39** S. 16(5): definition of “British Transport Police” inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 75(2)(a)**; S.I. 2002/2306, **art. 2(d)(vii)**; and that definition ceased to have effect (1.7.2004) by virtue of Railways and Transport Safety Act 2003 (c. 20), **ss. 73**, 120(1), **Sch. 5 para. 4(1)(b)(2)(j)**; S.I. 2004/1572, **art. 3(jjj)**
- F40** S. 16(5): definition of “policed premises” repealed (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(5)(d)**
- F41** S. 16(5): words in definition of “public place” substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 112(1)**, 116(6)(a), **Sch. 7 para. 134(3)**
- F42** S. 16(5): definition of “relevant school” inserted (1.9.2007 for E. and 31.10.2010 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 108(5)**, 188(3); S.I. 2007/1801, **art. 3(e)**; S.I. 2010/2543, **art. 2(j)**

Modifications etc. (not altering text)

- C7** S. 16 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 73(1)**, 120(1), **Sch. 5 para. 4(1)(a)(2)(j)**; S.I. 2004/1572, **art. 3(jjj)**

Marginal Citations

- M7** 1996 c.56.

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