



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART VII

FURTHER POWERS OF COURTS

Young offenders

150 Binding over of parent or guardian

- (1) Where a child or young person (that is to say, any person aged under 18) is convicted of an offence, the powers conferred by this section shall be exercisable by the court by which he is sentenced for that offence, and where the offender is aged under 16 when sentenced it shall be the duty of that court—
- (a) to exercise those powers if it is satisfied, having regard to the circumstances of the case, that their exercise would be desirable in the interests of preventing the commission by him of further offences; and
 - (b) if it does not exercise them, to state in open court that it is not satisfied as mentioned in paragraph (a) above and why it is not so satisfied;
- but this subsection has effect subject to section 19(5) above and paragraph 13(5) of Schedule 1 to this Act (cases where referral orders made or extended).
- (2) The powers conferred by this section are as follows—
- (a) with the consent of the offender's parent or guardian, to order the parent or guardian to enter into a recognizance to take proper care of him and exercise proper control over him; and
 - (b) if the parent or guardian refuses consent and the court considers the refusal unreasonable, to order the parent or guardian to pay a fine not exceeding £1,000;

Status: This is the original version (as it was originally enacted).

and where the court has passed a community sentence on the offender, it may include in the recognizance a provision that the offender's parent or guardian ensure that the offender complies with the requirements of that sentence.

- (3) An order under this section shall not require the parent or guardian to enter into a recognizance for an amount exceeding £1,000.
- (4) An order under this section shall not require the parent or guardian to enter into a recognizance—
 - (a) for a period exceeding three years; or
 - (b) where the offender will attain the age of 18 in a period shorter than three years, for a period exceeding that shorter period.
- (5) Section 120 of the Magistrates' Courts Act 1980 (forfeiture of recognizances) shall apply in relation to a recognizance entered into in pursuance of an order under this section as it applies in relation to a recognizance to keep the peace.
- (6) A fine imposed under subsection (2)(b) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.
- (7) In fixing the amount of a recognizance under this section, the court shall take into account among other things the means of the parent or guardian so far as they appear or are known to the court; and this subsection applies whether taking into account the means of the parent or guardian has the effect of increasing or reducing the amount of the recognizance.
- (8) A parent or guardian may appeal to the Crown Court against an order under this section made by a magistrates' court.
- (9) A parent or guardian may appeal to the Court of Appeal against an order under this section made by the Crown Court, as if he had been convicted on indictment and the order were a sentence passed on his conviction.
- (10) A court may vary or revoke an order made by it under this section if, on the application of the parent or guardian, it appears to the court, having regard to any change in the circumstances since the order was made, to be in the interests of justice to do so.
- (11) For the purposes of this section, taking "care" of a person includes giving him protection and guidance and "control" includes discipline.