



Crime and Security Act 2010

2010 CHAPTER 17

Anti-social behaviour orders

40 Report on family circumstances

- (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) In section 1 (anti-social behaviour orders), after subsection (1B) there is inserted—

“(1C) Before making an application under subsection (1) in respect of a person under the age of 16, the relevant authority must prepare a report on the person’s family circumstances in accordance with regulations made by the Secretary of State.”
- (3) In section 9 (parenting orders: supplemental), in subsection (2), after “information” there is inserted “(including any report prepared under section 1(1C))”.
- (4) In section 114 (orders and regulations), in subsection (2), for “section 6” there is substituted “section 1(1C), 6”.

41 Parenting orders on breach

- (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) In section 8 (parenting orders), in subsection (1)(c), after “an offence” there is inserted “, except in a case where section 8A below applies (parenting order on breach of anti-social behaviour order)”.
- (3) After that section, there is inserted—

“8A Parenting order on breach of anti-social behaviour order

- (1) This section applies where a person under the age of 16 is convicted of an offence under section 1(10) above in respect of an anti-social behaviour order.
- (2) The court by or before which the person is so convicted must make a parenting order in respect of a person who is a parent or guardian of the person

Status: This is the original version (as it was originally enacted).

convicted, unless it is of the opinion that there are exceptional circumstances that would make a parenting order inappropriate.

- (3) The parenting order must specify such requirements as the court considers would be desirable in the interests of preventing—
 - (a) any repetition of the kind of behaviour which led to the anti-social behaviour order being made; or
 - (b) the commission of any further offence by the person convicted.
- (4) If the court does not make a parenting order because it is of the opinion that there are exceptional circumstances that would make it inappropriate, it must state in open court that it is of that opinion and what those circumstances are.
- (5) The following subsections of section 8 above apply to parenting orders made under this section—
 - (a) subsection (3) (court not to make parenting order unless arrangements available in local area);
 - (b) subsection (4) (definition of parenting order);
 - (c) subsection (5) (counselling or guidance programme not necessary if previous parenting order);
 - (d) subsection (7A) (residential courses).
- (6) The following subsections of section 9 below apply to parenting orders made under this section—
 - (a) subsection (3) (court to explain effect of parenting order);
 - (b) subsection (4) (parenting order not to conflict with religious beliefs, work or education);
 - (c) subsections (5) and (6) (applications to vary or discharge parenting order);
 - (d) subsection (7) (failure to comply with parenting order).”
- (4) In section 9 (parenting orders: supplemental)—
 - (a) in subsection (1), after “offence” there is inserted “, other than an offence under section 1(10) above in respect of an anti-social behaviour order,”;
 - (b) in subsection (2), the word “or” immediately preceding paragraph (c) is repealed, and after that paragraph there is inserted “; or
“(d) in a case falling within section 8A above,”;
 - (c) after subsection (2A) there is inserted—

“(2AA) Subsection (2A) does not apply where the child or young person is convicted of an offence under section 1(10) above in respect of an anti-social behaviour order.”
- (5) In section 10 (appeals against parenting orders), in subsection (4), after “section 8(1)(c)” there is inserted “or 8A”.
- (6) In section 7A of the Prosecution of Offences Act 1985 (powers of non-legal staff of Crown Prosecution Service), in subsection (5), in the definition of “preventative civil orders”, in paragraph (c), after “section 8” there is inserted “or 8A”.