



# Sentencing Act 2020

## 2020 CHAPTER 17

### FOURTH GROUP OF PARTS Further powers relating to sentencing

#### PART 11

#### BEHAVIOUR ORDERS

#### CHAPTER 4

#### PARENTING ORDERS

#### *Provisions applying generally to parenting orders under Code*

#### **370 Parenting order: availability**

A court may not make a parenting order under this Chapter in respect of a person 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in the area in which it appears to the court that the person resides or will reside (and the notice has not been withdrawn).

#### **Commencement Information**

**11** S. 370 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

#### **371 Parenting order: references where local authority has parental responsibility**

Section 404 (certain references to parent or guardian to be read as references to local authority) does not apply to this Chapter.

#### **Commencement Information**

**12** S. 371 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

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*Changes to legislation: Sentencing Act 2020, Cross Heading: Provisions applying generally to parenting orders under Code is up to date with all changes known to be in force on or before 12 May 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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### 372 Making a parenting order

- (1) This section applies where a court makes a parenting order under this Chapter in respect of a person (“the parent”).
- (2) Requirements specified in a parenting order under this Chapter must, 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 parent normally works or attends an educational establishment.
- (3) Before making a parenting order, a court must 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 section 375) if the parent fails to comply with those requirements, and
  - (c) that the court has power (under section 374) to review the order on the application either of the parent or of the responsible officer.
- (4) The parenting order must specify the responsible officer.
- (5) The responsible officer must be—
  - (a) an officer of a provider of probation services acting in the local justice area in which it appears to the court that the parent resides or will reside,
  - (b) a social worker of the local authority in whose area it appears to the court that the parent resides or will reside,
  - (c) a person nominated by—
    - (i) a person appointed as director of children's services under section 18 of the Children Act 2004, or
    - (ii) a person appointed as chief education officer under section 532 of the Education Act 1996, or
  - (d) a member of a youth offending team established by the local authority in whose area it appears to the court that the parent resides or will reside.
- (6) For the purposes of this Chapter, the Inner Temple and the Middle Temple form part of the City of London.

#### Commencement Information

**I3** S. 372 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

### 373 Directions by the responsible officer

Directions given by a responsible officer under a parenting order under this Code must, 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 parent normally works or attends an educational establishment.

For this purpose, “parent” means the person in respect of whom the parenting order is made.

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**Commencement Information**

**I4** [S. 373](#) in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### **374 Discharge and variation of parenting order**

- (1) This section applies where—
  - (a) a parenting order made under this Chapter is in force, and
  - (b) an application is made under this section by—
    - (i) the responsible officer, or
    - (ii) the person in respect of whom it is madeto the court which made the order.
- (2) The court may make an order—
  - (a) discharging the parenting order, or
  - (b) varying the parenting 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 the court could include, if it were now making the order.
- (3) Where an application under this section for the discharge of a parenting order is dismissed, no-one may make a further application under this section for its discharge except with the consent of the court which made the order.

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**Commencement Information**

**I5** [S. 374](#) in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### **375 Offence of failure to comply with a requirement of a parenting order**

- (1) It is an offence for a person in respect of whom a parenting order made under this Chapter is in force to fail to comply with any requirement—
  - (a) included in the order, or
  - (b) specified in directions given by the responsible officer.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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**Commencement Information**

**I6** [S. 375](#) in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**Changes to legislation:**

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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. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)-(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)
- s. 343(4) inserted by [2022 c. 32 s. 178\(2\)](#)
- s. 348A348B inserted by [2022 c. 32 s. 178\(4\)](#)
- s. 350(6C)(6D) inserted by [2022 c. 32 s. 178\(5\)](#)
- s. 387A inserted by [2021 c. 17 s. 54\(3\)](#)
- s. 397A inserted by [2020 c. 17 Sch. 22 para. 15](#)
- s. 397A(4)(a)(ia) inserted by [2020 c. 17 Sch. 22 para. 19\(2\)\(b\)](#)
- s. 397A(4)(a)(i) words omitted by [2020 c. 17 Sch. 22 para. 19\(2\)\(a\)](#)
- s. 397A(5) words inserted by [2020 c. 17 Sch. 22 para. 19\(3\)](#)
- s. 397A(6)(7) inserted by [2020 c. 17 Sch. 22 para. 19\(4\)](#)
- s. 418(2A) inserted by [2021 c. 11 Sch. 13 para. 43\(5\)](#)
- Sch. 1 para. 13A inserted by [2020 c. 17 Sch. 22 para. 4\(a\)](#)
- Sch. 10 para. 10(5)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(a\)](#)
- Sch. 10 para. 10(9A) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(c\)](#)
- Sch. 10 para. 11(2)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(a\)](#)
- Sch. 10 para. 11(6A) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(c\)](#)
- Sch. 10 para. 10(9A) omitted by [2020 c. 17 Sch. 22 para. 74\(1\)\(b\)](#)
- Sch. 10 para. 11(6A) omitted by [2020 c. 17 Sch. 22 para. 75\(1\)\(b\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 25\(a\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 74\(1\)\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 26\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 75\(1\)\(a\)](#)
- Sch. 17A para. 24A inserted by [2020 c. 17, Sch. 22 para. 79A \(as inserted\) by 2021 c. 11 Sch. 13 para. 11\(20\)\(m\)](#)
- Sch. 18 para. 26A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 80](#)

- Sch. 19 para. 22A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 84
- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)