



Criminal Justice Act 1991

1991 CHAPTER 53

PART III

CHILDREN AND YOUNG PERSONS

Responsibilities of parent or guardian

56 Attendance at court of parent or guardian.

Subsection (1) of section 34 (attendance at court of parent or guardian) of the 1933 Act shall cease to have effect and after that section there shall be inserted the following section—

“34A Attendance at court of parent or guardian.

(1) Where a child or young person is charged with an offence or is for any other reason brought before a court, the court—

- (a) may in any case; and
- (b) shall in the case of a child or a young person who is under the age of sixteen years,

require a person who is a parent or guardian of his to attend at the court during all the stages of the proceedings, unless and to the extent that the court is satisfied that it would be unreasonable to require such attendance, having regard to the circumstances of the case.

(2) In relation to a child or young person for whom a local authority have parental responsibility and who—

- (a) is in their care; or
- (b) is provided with accommodation by them in the exercise of any functions (in particular those under the Children Act 1989) which stand referred to their social services committee under the Local Authority Social Services Act 1970,

Status: Point in time view as at 26/06/2000.

Changes to legislation: Criminal Justice Act 1991, Cross Heading: Responsibilities of parent or guardian is up to date with all changes known to be in force on or before 06 July 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)

the reference in subsection (1) above to a person who is a parent or guardian of his shall be construed as a reference to that authority or, where he is allowed to live with such a person, as including such a reference.

In this subsection “local authority” and “parental responsibility” have the same meanings as in the Children Act 1989.”

Commencement Information

II S. 56 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

57 Responsibility of parent or guardian for financial penalties.

(1) After subsection (1A) of section 55 of the 1933 Act (power to order parent or guardian to pay fine etc. instead of child or young person) there shall be inserted the following subsection—

“(1B) In the case of a young person who has attained the age of sixteen years, subsections (1) and (1A) above shall have effect as if, instead of imposing a duty, they conferred a power to make such an order as is mentioned in those subsections.”

(2) After subsection (4) of that section there shall be inserted the following subsection—

“(5) In relation to a child or young person for whom a local authority have parental responsibility and who—
(a) is in their care; or
(b) is provided with accommodation by them in the exercise of any functions (in particular those under the Children Act 1989) which stand referred to their social services committee under the Local Authority Social Services Act 1970,

references in this section to his parent or guardian shall be construed as references to that authority.

In this subsection “local authority” and “parental responsibility” have the same meanings as in the Children Act 1989.”

[^{F1}(3) For the purposes of any order under that section made against the parent or guardian of a child or young person—

(a) sections 18 and 21 above; and
(b) [^{F2}Section 35(4)] of the 1973 Act (fixing amount of compensation order), shall have effect (so far as applicable) as if any reference to the financial circumstances of the offender, or (as the case may be) to the means of the person against whom the compensation order is made, were a reference to the financial circumstances of the parent or guardian.

(4) For the purposes of any such order made against a local authority (as defined for the purposes of the ^{M1}Children Act 1989)—

(a) section 18(1) above, and [^{F2}section 35(4)] of the 1973 Act, shall not apply, . . .
^{F3}(b)]

Status: Point in time view as at 26/06/2000.

Changes to legislation: Criminal Justice Act 1991, Cross Heading: Responsibilities of parent or guardian is up to date with all changes known to be in force on or before 06 July 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)

Textual Amendments

- F1** S. 57(3)(4) substituted (20.9.1993) by 1993 c. 36, s. 65(3)(4), **Sch. 3 para. 5**; S.I. 1993/1968, art. 2(2), **Sch. 2**
- F2** Words in s. 57(3)(b)(4)(a) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para.44**; S.I. 1998/2327, **art.2(1)(w)**.
- F3** S. 57(4)(b) together with the word "and" preceding it repealed (3.2.1995) by 1994 c. 33, s. 168(1)(3), Sch. 9 para. 42(4)(5), **Sch. 11**; S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix A, Appendix C.

Commencement Information

- I2** S. 57 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

- M1** 1989 c. 41.

58 Binding over of parent or guardian.

- (1) Where a child or young person (“the relevant minor”) 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 it shall be the duty of the court, in a case where the relevant minor has not attained the age of 16 years—
- 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
 - where 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.

[^{F4}(1A) Subsection (1) has effect subject to section 4(5) of, and paragraph 13(5) of Schedule 1 to, the Youth Justice and Criminal Evidence Act 1999.]

- (2) The powers conferred by this section are as follows—
- with the consent of the relevant minor’s parent or guardian, to order the parent or guardian to enter into a recognisance to take proper care of him and exercise proper control over him; and
 - 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.

[^{F5}Where the court has passed on the relevant minor a community sentence (within the meaning of section 6 above) it may include in the recognisance a provision that the minor’s parent or guardian ensure that the minor complies with the requirements of that sentence.]

- (3) An order under this section shall not require the parent or guardian to enter into a recognisance—
- for an amount exceeding £1,000; or
 - for a period exceeding three years or, where the relevant minor will attain the age of 18 years in a period shorter than three years, for a period exceeding that shorter period;

Status: Point in time view as at 26/06/2000.

Changes to legislation: Criminal Justice Act 1991, Cross Heading: Responsibilities of parent or guardian is up to date with all changes known to be in force on or before 06 July 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)

and section 120 of the 1980 Act (which relates to the forfeiture of recognisances) shall apply in relation to a recognisance entered into in pursuance of such an order as it applies to a recognisance to keep the peace.

[^{F6}(4) 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.]

(5) In fixing the amount of a recognisance 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 recognisance.

(6) A parent or guardian may appeal to the Crown Court against an order under this section made by a magistrates' court.

(7) 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.

(8) 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.

[^{F7}(9) For the purposes of this section—

(a) “guardian” has the same meaning as in the 1933 Act; and

(b) taking “care” of a person includes giving him protection and guidance and “control” includes discipline.]

Textual Amendments

F4 S. 58(1A) inserted (26.6.2000) by 1999 c. 23, ss. 67(3), 68(3), **Sch. 4 para. 20** (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1587, **art. 2(b)**

F5 Words in s. 58(2) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 50**; S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix A.

F6 S. 58(4) substituted (20.9.1993) by 1993 c. 36, s. 65(3)(4), **Sch. 3 para. 6(6)**; S.I. 1993/1968, art. 2(2), **Sch. 2**

F7 Words in s. 58(8) added (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 45**; S.I. 1998/2327, **art. 2(1)(w)**.

Modifications etc. (not altering text)

C1 S. 54 restricted (26.6.2000) by 1999 c. 23, **ss. 4(5)(b)(6)**, 68(3) (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1587, **art. 2(a)**

Commencement Information

I3 S. 58 wholly in force at 1.10.1992, see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Status:

Point in time view as at 26/06/2000.

Changes to legislation:

Criminal Justice Act 1991, Cross Heading: Responsibilities of parent or guardian is up to date with all changes known to be in force on or before 06 July 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.