



Criminal Justice Act 1991

1991 CHAPTER 53

PART III

CHILDREN AND YOUNG PERSONS

Responsibilities of parent or guardian

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—
 - (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) 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.
- (2) The powers conferred by this section are as follows—
 - (a) 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
 - (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.
- (3) An order under this section shall not require the parent or guardian to enter into a recognisance—
 - (a) for an amount exceeding £1,000; or
 - (b) 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Status: Point in time view as at 03/11/1994. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 1991, Section 58 is up to date with all changes known to be in force on or before 02 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.

- [^{F1}(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.

Textual Amendments

F1 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**

Commencement Information

I1 S. 58 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

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