



Crime and Disorder Act 1998

1998 CHAPTER 37

PART I

PREVENTION OF CRIME AND DISORDER

CHAPTER I

ENGLAND AND WALES

Youth crime and disorder

12 Child safety orders: supplemental.

- (1) Before making a child safety order, a magistrates' court shall obtain and consider information about the child's family circumstances and the likely effect of the order on those circumstances.
- (2) Before making a child safety order, a magistrates' court shall explain to the parent or guardian of the child 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 subsection (6) below) if the child fails to comply with any of those requirements; and
 - (c) that the court has power (under subsection (4) below) to review the order on the application either of the parent or guardian or of the responsible officer.
- (3) Requirements included in a child safety order shall, 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 child normally attends school.
- (4) If while a child safety order is in force in respect of a child it appears to the court which made it, on the application of the responsible officer or a parent or guardian of

Status: Point in time view as at 30/09/1998. This version of this provision has been superseded.

Changes to legislation: Crime and Disorder Act 1998, Section 12 is up to date with all changes known to be in force on or before 08 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 child, that it is appropriate to make an order under this subsection, the court may make an order discharging the child safety order or varying it—

- (a) by cancelling any provision included in it; or
 - (b) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that could have been included in the order if the court had then had power to make it and were exercising the power.
- (5) Where an application under subsection (4) above for the discharge of a child safety order is dismissed, no further application for its discharge shall be made under that subsection by any person except with the consent of the court which made the order.
- (6) Where a child safety order is in force and it is proved to the satisfaction of the court which made it or another magistrates' court acting for the same petty sessions area, on the application of the responsible officer, that the child has failed to comply with any requirement included in the order, the court—
- (a) may discharge the order and make in respect of him a care order under subsection (1)(a) of section 31 of the 1989 Act; or
 - (b) may make an order varying the 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 could have been included in the order if the court had then had power to make it and were exercising the power.
- (7) Subsection (6)(a) above applies whether or not the court is satisfied that the conditions mentioned in section 31(2) of the 1989 Act are fulfilled.

Commencement Information

- II** S. 12 wholly in force; S. 12 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

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