



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART I

#### PREVENTION OF CRIME AND DISORDER

#### CHAPTER I

##### ENGLAND AND WALES

##### *Youth crime and disorder*

### 9 Parenting orders: supplemental.

- (1) Where a person under the age of 16 is convicted of an offence, the court by or before which he is so convicted—
- if it is satisfied that the relevant condition is fulfilled, shall make a parenting order; and
  - if it is not so satisfied, shall state in open court that it is not and why it is not.

[<sup>F1</sup>(1A) The requirements of subsection (1) do not apply where the court makes a referral order in respect of the offence.]

[<sup>F2</sup>(1B) If an anti-social behaviour order is made in respect of a person under the age of 16 the court which makes the order—

- must make a parenting order if it is satisfied that the relevant condition is fulfilled;
- if it is not so satisfied, must state in open court that it is not and why it is not.]

- (2) Before making a parenting order—
- in a case falling within paragraph (a) of subsection (1) of section 8 above;
  - in a case falling within paragraph (b) or (c) of that subsection, where the person concerned is under the age of 16; or

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*Status: Point in time view as at 27/02/2004. This version of this provision has been superseded.*

*Changes to legislation: Crime and Disorder Act 1998, Section 9 is up to date with all changes known to be in force on or before 20 June 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)*

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- (c) in a case falling within paragraph (d) of that subsection, where the person to whom the offence related is under that age,  
a court shall obtain and consider information about the person's family circumstances and the likely effect of the order on those circumstances.
- [<sup>F3</sup>(2A) In a case where a court proposes to make both a referral order in respect of a child or young person convicted of an offence and a parenting order, before making the parenting order the court shall obtain and consider a report by an appropriate officer—
- (a) indicating the requirements proposed by that officer to be included in the parenting order;
  - (b) indicating the reasons why he considers those requirements would be desirable in the interests of preventing the commission of any further offence by the child or young person; and
  - (c) if the child or young person is aged under 16, containing the information required by subsection (2) above.
- (2B) In subsection (2A) above “an appropriate officer” means—
- (a) an officer of a local probation board;
  - (b) a social worker of a local authority social services department; or
  - (c) a member of a youth offending team.]

(3) Before making a parenting order, a court shall 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 subsection (7) below) if he fails to comply with any of those requirements; and
    - (c) that the court has power (under subsection (5) below) to review the order on the application either of the parent or of the responsible officer.

(4) Requirements specified in, and directions given under, a parenting 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 he normally works or attends an educational establishment.

(5) If while a parenting order is in force it appears to the court which made it, on the application of the responsible officer or the parent, that it is appropriate to make an order under this subsection, the court may make an order discharging the parenting 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.

(6) Where an application under subsection (5) above for the discharge of a parenting 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.

(7) If while a parenting order is in force the parent without reasonable excuse fails to comply with any requirement included in the order, or specified in directions given by the responsible officer, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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[<sup>F4</sup>(7A) In this section “referral order” means an order under section 16(2) or (3) of the Powers of Criminal Courts (Sentencing) Act 2000 (referral of offender to youth offender panel).]

#### Textual Amendments

- F1** S. 9(1A) substituted (27.2.2004) by Criminal Justice Act 2003 (c. 44), ss. 324, 336(3), **Sch. 34 para. 2(2)**; S.I. 2004/81, **art. 5(2)(d)**
- F2** S. 9(1B) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 85(8)**, 93(1) (with s. 84); S.I. 2003/3300, **art. 3(c)**
- F3** S. 9(2A)(2B) inserted (27.2.2004) by Criminal Justice Act 2003 (c. 44), ss. 324, 336(3), **Sch. 34 para. 2(3)**; S.I. 2004/81, **art. 5(2)(d)**
- F4** S. 9(7A) inserted (27.2.2004) by Criminal Justice Act 2003 (c. 44), ss. 324, 336(3), **Sch. 34 para. 2(4)**; S.I. 2004/81, **art. 5(2)(d)**

#### Modifications etc. (not altering text)

- C1** S. 9(3)-(7) applied (27.2.2004 for E. and 11.5.2006 for W.) by Anti-social Behaviour Act 2003 (c. 38), **ss. 21(3)**, 93(1); S.I. 2003/3300, **art. 4(c)**; S.I. 2006/1278, **art. 2**
- C2** S. 9(3)-(7) applied (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 27(3)**, 93(1); S.I. 2003/3300, **art. 3(a)(iii)**

#### Commencement Information

- I1** S. 9 wholly in force; S. 9 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)

**Status:**

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**Changes to legislation:**

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