



Victims and Prisoners Act 2024

2024 CHAPTER 21

PART 1

VICTIMS OF CRIMINAL CONDUCT

Victims of domestic abuse

PROSPECTIVE

18 Restricting parental responsibility where one parent kills the other

- (1) The Children Act 1989 is amended in accordance with subsections (2) to (7).
- (2) In section 8 (child arrangements orders and other orders with respect to children), in the closing words of subsection (3), after “include” insert “proceedings in the Crown Court under [section 10A](#) or”.
- (3) After section 10 insert—

“10A Duty of Crown Court to make prohibited steps order

- (1) This section applies where—
 - (a) a child has two parents at least one of whom has parental responsibility for the child, and
 - (b) a parent who has parental responsibility for the child (“the offender”) is convicted of the murder or, in the circumstances mentioned in [subsection \(2\)](#), manslaughter of the other parent.
- (2) The circumstances are where, but for section 54 of the Coroners and Justice Act 2009 (loss of control) or section 2 of the Homicide Act 1957 (diminished responsibility), the offender would have been liable to be convicted for murder.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Section 18. (See end of Document for details)

- (3) The Crown Court must make a prohibited steps order when sentencing the offender.
- (4) The order must—
 - (a) specify that no step of any kind which could be taken by a parent in meeting their parental responsibility for a child may be taken by the offender with respect to the child without the consent of the High Court or the family court, and
 - (b) be made to have effect until the order is varied or discharged by the High Court or the family court.
- (5) But the Crown Court must not make a prohibited steps order under this section if—
 - (a) making the order is prohibited by section 29(3) of the Adoption and Children Act 2002,
 - (b) a prohibited steps order is already in force that meets the requirements in [subsection \(4\)](#), or
 - (c) in a case where the offender is convicted of manslaughter, it appears to the Crown Court that it would not be in the interests of justice to do so.
- (6) Sections 1, 7 and 11 do not apply where the Crown Court proceeds under this section.
- (7) A prohibited steps order made under this section does not cease to have effect if the offender is acquitted of the murder or manslaughter on appeal (but see [section 10B\(3\)](#) and [\(4\)](#)).
- (8) A prohibited steps order made under this section is to be treated for the purposes of section 31F(6) of the Matrimonial and Family Proceedings Act 1984 (proceedings and decisions) as if it were made by the family court.
- (9) The Crown Court does not have jurisdiction to entertain any proceedings in connection with the enforcement of a prohibited steps order made under this section.

10B Review of orders made under section 10A

- (1) This section applies where a prohibited steps order is made under [section 10A](#) prohibiting the taking of steps by a parent with respect to a child.
- (2) The local authority that is the relevant local authority at the time the order is made must make an application to the court (see [section 92\(7\)](#)) to review the order.
- (3) [Subsection \(4\)](#) applies if—
 - (a) the application under [subsection \(2\)](#) has been disposed of (whether or not the order was varied), and
 - (b) the parent is acquitted on appeal of the murder or manslaughter that resulted in the making of the order.
- (4) The local authority that is the relevant local authority at the time the verdict of acquittal is entered must make an application to the court to review the order.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Section 18. (See end of Document for details)

- (5) An application under this section must be made as soon as is reasonably practicable and in any event before the end of the period of 14 days beginning with the day after the day on which—
- (a) in the case of an application under [subsection \(2\)](#), the order was made;
 - (b) in the case of an application under [subsection \(4\)](#), the verdict of acquittal was entered.
- (6) The Secretary of State may by regulations amend the period specified in [subsection \(5\)](#).
- (7) In this section “relevant local authority” means—
- (a) where the child with respect to whom the order was made is ordinarily resident within the area of a local authority in England or Wales, that local authority;
 - (b) where the child with respect to whom the order was made does not fall within [paragraph \(a\)](#) but is present within the area of a local authority in England or Wales, that local authority.”
- (4) In section 9 (restrictions on making section 8 orders)—
- (a) in subsection (1), after “applies” insert “or a prohibited steps order made under [section 10A](#)”;
 - (b) in subsection (6A), after “applies” insert “or a prohibited steps order made under [section 10A](#)”;
 - (c) after subsection (7) insert—
“(8) Subsection (7) does not apply to a prohibited steps order made under [section 10A](#).”
- (5) In section 33 (effect of care order), after subsection (3) insert—
- “(3A) Where a prohibited steps order made under [section 10A](#) is in force in relation to a parent, the authority may only exercise the power in subsection (3)(b) in relation to the taking of a step by that parent that is not prohibited by that order.”
- (6) In section 91 (effect and duration of orders etc)—
- (a) in subsection (2), after “section 8 order” insert “(other than a prohibited steps order made under [section 10A](#))”;
 - (b) after subsection (5A) insert—
“(5B) [Subsection \(5C\)](#) applies where—
 - (a) a prohibited steps order (the “existing order”) is in force prohibiting the taking of steps by a parent (“P”) with respect to a child (“C”), and
 - (b) a prohibited steps order is made under [section 10A](#) in relation to P with respect to C.
- (5C) The existing order is discharged (except to the extent that it prohibits the taking of steps other than by P with respect to C).”
- (7) In section 104 (regulations and orders)—
- (a) in each of subsections (2) and (3A), after “subsection” insert “[\(3AZA\)](#)”;
 - (b) after subsection (3A) insert—

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“(3AZA) Regulations fall within this subsection if they are regulations made in the exercise of the power conferred by [section 10B\(6\)](#).”

(8) In section 50 of the Criminal Appeal Act 1968 (meaning of “sentence”), after subsection (2) insert—

“(2A) A prohibited steps order made under [section 10A](#) of the Children Act 1989 is not a sentence for the purposes of this Act.”

Commencement Information

II S. 18 not in force at Royal Assent, see [s. 81\(2\)](#)

Status:

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Changes to legislation:

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