

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Orders requiring parents or guardians to enter into recognisance is up to date with all changes known to be in force on or before 14 June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)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 4A]

#### POWERS OF COURT ON TRIAL OF CIVILIAN

##### Textual Amendments

**F1** Sch. 4A inserted by [Armed Forces Act 1976 \(c. 52\)](#), Sch. 4 paras. 1, 3

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

**C1** Sch. 4A excluded (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. **134(1)(d)(2)(3)**; S.I. 2004/874, art. 2; S.S.I. 2004/138, art. 2

#### *Orders requiring parents or guardians to enter into recognisance*

##### Textual Amendments applied to the whole legislation

**F1** Act repealed (prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, **Sch. 17** and the repeal being partly in force, as to which see individual provisions

- 14 (1) Subject to sub-paragraph (2) below, where a civilian under 17 years of age is found guilty of any offence, the court may make an order requiring any parent or guardian of his who is a service parent or guardian to enter into a recognisance for an amount not exceeding [<sup>F1</sup>£1,000] for a period not exceeding one year to exercise proper control over him.
- (2) The power conferred by sub-paragraph (1) above shall not be exercisable unless the parent or guardian consents.
- (3) Before making an order in the exercise of that power the court shall explain to the parent or guardian in ordinary language that if the offender is found guilty by court-martial under any of the Services Acts or by a Standing Civilian Court of another offence committed during the period specified in the order, his recognisance may be forfeited under sub-paragraph (4) below.
- (4) If a person whose parent or guardian has entered into a recognisance under this paragraph is found guilty by court-martial under any of the Services Acts or by a Standing Civilian Court of any offence committed within the period specified in the order, the recognisance or any part of it may in the prescribed manner be declared to be forfeited (without prejudice to any power of the court to punish the offender or to make any other order against him or an order against his parent or guardian under this paragraph or paragraph 13 above) and the person bound by it adjudged, subject to subparagraphs (5) and (6) below, to pay the sum in which he is bound or any lesser sum.

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- (5) No declaration may be made except against a person who is a service parent or guardian when it is made.
- (6) No declaration may be made against any person without giving him an opportunity of being heard unless—
- (a) he has been required in the manner prescribed by [F<sup>2</sup>rules] under section 58 above to attend the court, and
  - (b) he has failed to do so.
- (7) Payment of any sum adjudged to be paid under this paragraph shall be enforceable as if it were a fine imposed for an offence against section 42 above.
- (8) No appeal shall lie from an order or declaration under this paragraph.
- [F<sup>3</sup>(9) In this paragraph “guardian”, in relation to an offender, includes any individual who, in the court’s opinion, has control of the offender.]

#### Textual Amendments

- F1** Words in Sch. 4A para. 14(1) substituted (1.1.1992) by Armed Forces Act 1991 (c. 62), s. 26(1), **Sch. 2 para. 7**; S.I. 1991/2719, **art. 2**
- F2** Word in Sch. 4A para. 14(6)(a) substituted (1.4.1997 with savings) by 1996 c. 46, s. 5, **Sch. 1 Pt. IV para. 98**; S.I. 1997/304, **art. 2** (with art. 3)
- F3** Para. 14(9) inserted by Armed Forces Act 1981 (c. 55), **Sch. 1 para. 3(9)**

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

- C1** Power to amend para. 14(1) conferred by Magistrates’ Courts Act 1980 (c. 43, SIF 82), **s. 143(1)(2)(h)** (as substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 48(1)(a)(b)(iii)**)

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