
STATUTORY INSTRUMENTS

2004 No. 3166

**The Penalties for Disorderly Behaviour
(Amendment of Minimum Age) Order 2004**

Modifications of the Criminal Justice and Police Act 2001

6.—(1) In its application to a young penalty recipient, Chapter 1 of Part 1 of the 2001 Act is to have effect with the following modifications and those modifications are to be construed in accordance with this Order.

(2) Section 4(5) is to have effect as if for “against A as a fine” there were substituted “as a fine against the parent or guardian of A who has been notified of the giving of the penalty notice under article 3(1) or 4(3)(b) of the Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004”.

(3) Section 5(1) is to have effect as if for “beginning with the date on which the notice was given” there were substituted “beginning with the date on which notification under article 3(1) of the Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004 was served on the parent or guardian of the person to whom the penalty notice was given or, if a notification under article 3(1) of that Order is cancelled under article 4(2) of that Order, beginning with the date on which notification under article 4(3)(b) of that Order was served on the parent or guardian of the person to whom the penalty notice was given”.

(4) Section 7(1) is to have effect as if for “a person to whom a penalty notice is given” there were substituted “a parent or guardian who has been notified of the giving of a penalty notice under article 3(1) or 4(3)(b) of the Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004”.

(5) Section 10 is to have effect as if for subsection (2) there were substituted –

“(2) Subsection (3) applies if, in any proceedings, the defaulter claims that –

- (a) he is not a parent or guardian of the person to whom the penalty notice concerned was issued;
- (b) he was not properly notified of the giving of the penalty notice concerned under article 3(1) or 4(3)(b) of the Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004.”

(6) Section 10(4) is to have effect as if for “that he was the recipient of the penalty notice” there were substituted “to be incorrect”.