

**Changes to legislation:** Children Act 1989, Part I is up to date with all changes known to be in force on or before 27 April 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) View outstanding changes

## SCHEDULES

### SCHEDULE 3 **E+W**

#### SUPERVISION ORDERS

#### PART I **E+W**

##### GENERAL

##### *Meaning of “responsible person”*

- 1 In this Schedule, “the responsible person”, in relation to a supervised child, means—
- (a) any person who has parental responsibility for the child; and
  - (b) any other person with whom the child is living.

##### **Commencement Information**

**11** Sch. 3 Pt. I para. 1 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

##### *Power of supervisor to give directions to supervised child*

- 2 (1) A supervision order may require the supervised child to comply with any directions given from time to time by the supervisor which require him to do all or any of the following things—
- (a) to live at a place or places specified in the directions for a period or periods so specified;
  - (b) to present himself to a person or persons specified in the directions at a place or places and on a day or days so specified;
  - (c) to participate in activities specified in the directions on a day or days so specified.
- (2) It shall be for the supervisor to decide whether, and to what extent, he exercises his power to give directions and to decide the form of any directions which he gives.
- (3) Sub-paragraph (1) does not confer on a supervisor power to give directions in respect of any medical or psychiatric examination or treatment (which are matters dealt with in paragraphs 4 and 5).

##### **Commencement Information**

**12** Sch. 3 Pt. I para. 2 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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*Imposition of obligations on responsible person*

- 3 (1) With the consent of any responsible person, a supervision order may include a requirement—
- (a) that he take all reasonable steps to ensure that the supervised child complies with any direction given by the supervisor under paragraph 2;
  - (b) that he take all reasonable steps to ensure that the supervised child complies with any requirement included in the order under paragraph 4 or 5;
  - (c) that he comply with any directions given by the supervisor requiring him to attend at a place specified in the directions for the purpose of taking part in activities so specified.
- (2) A direction given under sub-paragraph (1)(c) may specify the time at which the responsible person is to attend and whether or not the supervised child is required to attend with him.
- (3) A supervision order may require any person who is a responsible person in relation to the supervised child to keep the supervisor informed of his address, if it differs from the child's.

**Commencement Information**

**I3** Sch. 3 Pt. I para. 3 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

*Psychiatric and medical examinations*

- 4 (1) A supervision order may require the supervised child—
- (a) to submit to a medical or psychiatric examination; or
  - (b) to submit to any such examination from time to time as directed by the supervisor.
- (2) Any such examination shall be required to be conducted—
- (a) by, or under the direction of, such registered medical practitioner as may be specified in the order;
  - (b) at a place specified in the order and at which the supervised child is to attend as a non-resident patient; or
  - (c) at—
    - (i) a health service hospital; or
    - (ii) in the case of a psychiatric examination, a hospital [<sup>F1</sup>, independent hospital or care home],
 at which the supervised child is, or is to attend as, a resident patient.
- (3) A requirement of a kind mentioned in sub-paragraph (2)(c) shall not be included unless the court is satisfied, on the evidence of a registered medical practitioner, that—
- (a) the child may be suffering from a physical or mental condition that requires, and may be susceptible to, treatment; and
  - (b) a period as a resident patient is necessary if the examination is to be carried out properly.
- (4) No court shall include a requirement under this paragraph in a supervision order unless it is satisfied that—

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- (a) where the child has sufficient understanding to make an informed decision, he consents to its inclusion; and
- (b) satisfactory arrangements have been, or can be, made for the examination.

#### Textual Amendments

**F1** Words in Sch. 3 para. 4(2)(c)(ii) substituted (1.4.2002) by 2000 c. 14, s. 116, Sch. 4 para. 14(24); S.I. 2001/4150, art. 3(3)(a) (subject to transitional provision in art. 4 of the commencing S.I. and to the amendment of art. 3 by S.I. 2002/1493, art. 6); S.I. 2002/920, art. 3(3)(d) (with art. 3(4)-(10) and transitional provisions in Schs. 1-3)

#### Commencement Information

**I4** Sch. 3 Pt. I para. 4 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

### *Psychiatric and medical treatment*

- 5 (1) Where a court which proposes to make or vary a supervision order is satisfied, on the evidence of a registered medical practitioner approved for the purposes of section 12 of the<sup>M1</sup>Mental Health Act 1983, that the mental condition of the supervised child—
- (a) is such as requires, and may be susceptible to, treatment; but
  - (b) is not such as to warrant his detention in pursuance of a hospital order under Part III of that Act,
- the court may include in the order a requirement that the supervised child shall, for a period specified in the order, submit to such treatment as is so specified.
- (2) The treatment specified in accordance with sub-paragraph (1) must be—
- (a) by, or under the direction of, such registered medical practitioner as may be specified in the order;
  - (b) as a non-resident patient at such a place as may be so specified; or
  - (c) as a resident patient in a hospital [<sup>F2</sup>, independent hospital or care home].
- (3) Where a court which proposes to make or vary a supervision order is satisfied, on the evidence of a registered medical practitioner, that the physical condition of the supervised child is such as requires, and may be susceptible to, treatment, the court may include in the order a requirement that the supervised child shall, for a period specified in the order, submit to such treatment as is so specified.
- (4) The treatment specified in accordance with sub-paragraph (3) must be—
- (a) by, or under the direction of, such registered medical practitioner as may be specified in the order;
  - (b) as a non-resident patient at such place as may be so specified; or
  - (c) as a resident patient in a health service hospital.
- (5) No court shall include a requirement under this paragraph in a supervision order unless it is satisfied—
- (a) where the child has sufficient understanding to make an informed decision, that he consents to its inclusion; and
  - (b) that satisfactory arrangements have been, or can be, made for the treatment.
- (6) If a medical practitioner by whom or under whose direction a supervised person is being treated in pursuance of a requirement included in a supervision order by

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virtue of this paragraph is unwilling to continue to treat or direct the treatment of the supervised child or is of the opinion that—

- (a) the treatment should be continued beyond the period specified in the order;
- (b) the supervised child needs different treatment;
- (c) he is not susceptible to treatment; or
- (d) he does not require further treatment,

the practitioner shall make a report in writing to that effect to the supervisor.

- (7) On receiving a report under this paragraph the supervisor shall refer it to the court, and on such a reference the court may make an order cancelling or varying the requirement.

#### Textual Amendments

- F2** Words in Sch. 3 para. 5(2)(c) substituted (1.4.2002) by 2000 c. 14, s. 116, Sch. 4 para. 14(24); S.I. 2001/4150, art. 3(3)(a) (subject to transitional provision in art. 4 of the commencing S.I. and to the amendment of art. 3 by S.I. 2002/1493, art. 6); S.I. 2002/920, art. 3(3)(d) (with art. 3(4)-(10) and transitional provisions in Schs. 1-3)

#### Commencement Information

- I5** Sch. 3 Pt. I para. 5 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

#### Marginal Citations

- M1** 1983 c. 20.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)