



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART I

#### PREVENTION OF CRIME AND DISORDER

#### CHAPTER I

##### ENGLAND AND WALES

##### *Crime and disorder: general*

#### <sup>F1</sup> **Anti-social behaviour orders.**

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#### **Textual Amendments**

**F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 11 para. 24\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)

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

**C1** S. 1 amended (1.7.2004) by [Railways and Transport Safety Act 2003](#) (c. 20), ss. 73(1), 120(1), [Sch. 5 para. 4\(1\)\(a\)\(2\)\(j\)](#); S.I. 2004/1572, [art. 3\(jjj\)](#)

#### <sup>F1</sup><sup>F2</sup>**1A] Power of Secretary of State to add to relevant authorities**

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*Status: Point in time view as at 25/05/2018.*

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 24\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F2** S. 1A inserted (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 62(1); S.I. 2002/2750, art. 2(a)(vii)

**F1[F3] 1AA Individual support orders**

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 24\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F3** Ss. 1AA, 1AB inserted (1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 322, 336(3); S.I. 2004/829 {art. 3(2)(b)}

**F1 1AB] Individual support orders: explanation, breach, amendment etc**

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 24\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F3** Ss. 1AA, 1AB inserted (1.5.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 322, 336(3); S.I. 2004/829 {art. 3(2)(b)}

**F1[F4] 1B] Orders in county court proceedings**

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 24\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F4** S. 1B inserted (1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), ss. 63, 108(2); S.I. 2003/808, art. 2(f)

**F1[F5] 1C] Orders on conviction in criminal proceedings**

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 24\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F5** S. 1C inserted (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 64; S.I. 2002/2750, [art. 2\(a\)\(vii\)](#)

**F1[F6]1CA Variation and discharge of orders under section 1C**

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 24\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F6** S. 1CA inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 140\(4\)](#), 178(8); S.I. 2005/1521, [art. 3\(1\)\(s\)](#)

**F1[F7]1D Interim orders**

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 24\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F7** S. 1D inserted (2.12.2002 in relation to s. 1D(1)(a)(2)-(5), otherwise 1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), [ss. 65\(1\)](#), 108(2); S.I. 2002/2750, [art. 2\(a\)\(vii\)](#); S.I. 2003/808, [art. 2\(f\)](#)

**F1[F8]1E Consultation requirements**

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 24\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F8** S. 1E inserted (2.12.2002 in relation to s. 1E(1)(a)(2)-(4), otherwise 1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), s. 66; S.I. 2002/2750, [art. 2\(a\)\(vii\)](#); S.I. 2003/808, [art. 2\(f\)](#)

**F1[F9]1F Contracting out of local authority functions**

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 24(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F9** S. 1F inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 142(1)**, 178(8); S.I. 2005/1521, **art. 3(1)(s)**

**F1 | F10 1G Intervention orders**

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 24(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F10** Ss. 1G, 1H inserted (1.10.2006) by [Drugs Act 2005 \(c. 17\)](#), **ss. 20(1)**, 24(3), S.I. 2006/2136, {art. 2}

**F1 1H] Intervention orders: explanation, breach, amendment etc.**

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 24(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F10** Ss. 1G, 1H inserted (1.10.2006) by [Drugs Act 2005 \(c. 17\)](#), **ss. 20(1)**, 24(3), S.I. 2006/2136, {art. 2}

**F1 | F11 1I] Special measures for witnesses**

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 24(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F11** S. 1I inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 143**, 178(8); S.I. 2005/1521, **art. 3(1)(s)**

**F1 | F12 1J Review of orders under sections 1, 1B and 1C**

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 24\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F12** Ss. 1J, 1K inserted (1.2.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 123\(1\)](#), 153(7) (with [Sch. 27 para. 33](#)); S.I. 2009/140, [art. 2\(b\)](#)

**<sup>F1</sup>1K] Responsibility for, and participation in, reviews under section 1J**

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**Textual Amendments**

- F1** Ss. 1-1K repealed (20.10.2014 for specified purposes) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 24\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iii)
- F12** Ss. 1J, 1K inserted (1.2.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 123\(1\)](#), 153(7) (with [Sch. 27 para. 33](#)); S.I. 2009/140, [art. 2\(b\)](#)

**2 Sex offender orders.**

<sup>F13</sup> .....

**Textual Amendments**

- F13** S. 2 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 139, 140, 141(1), [Sch. 6 para. 38\(2\)](#), [Sch. 7](#); S.I. 2004/874, [art. 2](#)

**[<sup>F14</sup>2A Interim orders: sex offenders**

<sup>F15</sup> .....]

**Textual Amendments**

- F14** S. 2A inserted (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), [s. 68\(1\)](#); S.I. 2002/2750, [art. 2\(a\)\(viii\)](#)
- F15** S. 2A repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 139, 140, 141(1), [Sch. 6 para. 38\(2\)](#), [Sch. 7](#); S.I. 2004/874, [art. 2](#)

**[<sup>F16</sup>2B Sex offender orders made in Scotland or Northern Ireland**

<sup>F17</sup> .....]

**Textual Amendments**

- F16** S. 2B inserted (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), [s. 69](#); S.I. 2002/2750, [art. 2\(a\)\(viii\)](#)
- F17** S. 2B repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 139, 140, 141(1), [Sch. 6 para. 38\(2\)](#), [Sch. 7](#); S.I. 2004/874, [art. 2](#)

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**3 Sex offender orders: supplemental.**

**F18** .....

**Textual Amendments**  
**F18** S. 3 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 139, 140, 141(1), Sch. 6 para. 38(2), [Sch. 7](#); [S.I. 2004/874](#), [art. 2](#)

**F19 4 Appeals against orders.**

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**Textual Amendments**  
**F19** S. 4 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 24\(b\)](#) (with ss. 21, 33, 42, 58, 75, 93); [S.I. 2015/373](#), [art. 4\(f\)\(vi\)](#)

*Crime and disorder strategies*

**5 Authorities responsible for strategies.**

(1) Subject to the provisions of this section, the functions conferred by <sup>F20</sup>[or under] section 6 below shall be exercisable in relation to each local government area by the responsible authorities, that is to say—

(a) the council for the area and, where the area is a district and the council is not a unitary authority, the council for the county which includes the district; <sup>F21</sup>[and]

<sup>F22</sup>(aa) every provider of probation services operating within the area in pursuance of arrangements under section 3 of the Offender Management Act 2007 which provide for it to be a responsible authority under this section;]

(b) every chief officer of police any part of whose police area lies within the area.

<sup>F23</sup><sup>F24</sup>(c) .....

(d) every <sup>F25</sup>[fire and rescue authority] any part of whose area so lies;

(e) if the local government area is in England, every <sup>F26</sup>[clinical commissioning group] the whole or any part of whose area so lies; and

(f) if the local government area is in Wales, every <sup>F27</sup>[Local Health Board] the whole or any part of whose area so lies.]

<sup>F28</sup>(1A) The relevant local policing body in relation to two or more local government areas in England may make a combination agreement with the responsible authorities in relation to those areas (the “combined area”).

(1B) A combination agreement is an agreement for the functions conferred by or under section 6 or by section 7 to be carried out in relation to the combined area as if it constituted only one local government area.

(1BA) The responsible authorities in relation to a combined area are all the persons who are the responsible authorities in relation to each local government area that falls within the combined area.

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(1BB) Section 5A contains further provision about the making and contents of combination agreements.]

[<sup>F29</sup>(1C) [<sup>F30</sup>A combination agreement]—

- (a) may require the councils for the local government areas in question to appoint a joint committee of those councils (the “joint crime and disorder committee”) and to arrange for crime and disorder scrutiny functions in relation to any (or all) of those councils to be exercisable by that committee;
- (b) may make provision applying any of the relevant provisions, with or without modifications, in relation to a joint crime and disorder committee.

(1D) In subsection (1C)—

“crime and disorder scrutiny functions”, in relation to a council, means functions that are, or, but for [<sup>F31</sup>a combination agreement], would be, exercisable by the crime and disorder committee of the council under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters);

“the relevant provisions” means—

- (a) section 19 of the Police and Justice Act 2006;
- (b) section 20 of that Act and any regulations made under that section;
- (c) Schedule 8 to that Act;
- (d) section [<sup>F32</sup>9F, 9FA or] 21 of the Local Government Act 2000.]

[<sup>F33</sup>(1E) The “relevant local policing body”, in relation to a combined area, is—

- (a) if the area falls (wholly or partly) within the police area of a police and crime commissioner, the commissioner,
- (b) if the area falls (wholly or partly) within the metropolitan police district, the Mayor's Office for Policing and Crime, and
- (c) if the area falls partly within the City of London, the Secretary of State.

(1F) If there is more than one relevant local policing body in relation to a combined area by virtue of subsection (1E), the references in subsection (1A) above and section 5A(2) to the relevant local policing body in relation to the combined area are references to each of the relevant local policing bodies for that area acting jointly.]

(2) In exercising [<sup>F34</sup>the functions conferred by or under section 6], the responsible authorities shall act in co-operation with the following persons and bodies, namely—

- [<sup>F35</sup>(b) every local probation board any part of whose area lies within the area;
- [<sup>F36</sup>(ba) every provider of probation services operating within the area in pursuance of arrangements under section 3 of the Offender Management Act 2007 which provide for it to co-operate under this subsection with the responsible authorities;]]
- (c) every person or body of a description which is for the time being prescribed by order of the Secretary of State under this subsection [<sup>F37</sup>; and
- (d) where they are acting in relation to an area in Wales, every person or body which is of a description which is for the time being prescribed by an order under this subsection of the National Assembly for Wales;]

and it shall be the duty of those persons and bodies to co-operate in the exercise by the responsible authorities of [<sup>F34</sup>the functions conferred by or under section 6].

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- (3) The responsible authorities shall also invite the participation in their exercise of those functions of at least one person or body of each description which is for the time being prescribed by order of the Secretary of State under this subsection [<sup>F38</sup>and, in the case of the responsible authorities for an area in Wales, of any person or body of a description for the time being prescribed by an order under this subsection of the National Assembly for Wales.]
- (4) In this section and sections 6 and 7 below “local government area” means—
- (a) in relation to England, each district or London borough, the City of London, the Isle of Wight and the Isles of Scilly;
  - (b) in relation to Wales, each county or county borough.
- [<sup>F39</sup>(5) In this section—
- [<sup>F40</sup>“fire and rescue authority” means—
    - (a) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
    - (aa) [<sup>F41</sup>a fire and rescue authority created by an order under section 4A of that Act;]
    - (b) a metropolitan county fire and civil defence authority; or
    - (c) [<sup>F42</sup>the London Fire Commissioner.]]<sup>F43</sup> . . .  
<sup>F43</sup> . . . . . ]
- [<sup>F44</sup>(6) The appropriate national authority may by order amend this section by—
- (a) adding an entry for any person or body to the list of authorities in subsection (1),
  - (b) altering or repealing an entry for the time being included in the list, or
  - (c) adding, altering or repealing provisions for the interpretation of entries in the list.
- (7) In this section the “appropriate national authority”, in relation to a person or body, means—
- (a) the National Assembly for Wales, if all the functions of the person or body are devolved Welsh functions;
  - (b) the Secretary of State and the Assembly acting jointly, if the functions of the person or body include devolved Welsh functions and other functions; and
  - (c) the Secretary of State, if none of the functions of the person or body are devolved Welsh functions.
- (8) In subsection (7), “devolved Welsh functions” means functions which are dischargeable only in relation to Wales and relate to matters in relation to which the Assembly has functions.]

#### Textual Amendments

- F20** Words in s. 5(1) inserted (1.8.2007 for E. and 19.11.2007 for W.) by [Police and Justice Act 2006](#) (c. 48), ss. 22, 53(1)(a), [Sch. 9 para. 2\(2\)](#); S.I. 2007/1614, [art 3\(b\)](#); S.I. 2007/3073, [art. 2\(a\)](#)
- F21** Word at the end of s. 5(1) repealed (30.4.2004 for E. and otherwise prosp.) by [Police Reform Act 2002](#) (c. 30), ss. 107(2), 108(2), [Sch. 8](#); S.I. 2004/913, [art. 3](#)
- F22** S. 5(1)(aa) inserted (1.4.2010) by [Policing and Crime Act 2009](#) (c. 26), ss. [108\(2\)](#), 116(1); S.I. 2010/507, [art. 5\(p\)](#)



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- F23** S. 5(1)(c) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 11 para. 2(2)**; S.I. 2012/2892, art. 2(f)
- F24** S. 5(1)(c)-(f) inserted (1.4.2003 for W., 1.4.2003 for E. in relation to s. 5(1)(c)(d), and 30.4.2004 for E. otherwise) by Police Reform Act 2002 (c. 30), **ss. 97(2), 108(2)(4)**; S.I. 2003/525, **art. 2**; S.I. 2003/808, **art. 2(j)**; S.I. 2004/913, **art. 3(a)**
- F25** Words in s. 5(1)(d) substituted (7.9.2004 for E.S. for specified purposes, 1.10.2004 for E.S. otherwise, and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), **ss. 53(1), 61, Sch. 1 para. 89(2)(a)**; S.I. 2004/2304, **art. 2** (with art. 3); S.I. 2004/2917, **art. 2**
- F26** Words in s. 5(1)(e) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 84**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F27** Words in s. 5(1)(f) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), art. 3, **Sch. para. 29(2)(a)**
- F28** S. 5(1A)-(1BB) substituted for s. 5(1A)(1B) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 88, 157(1), Sch. 11 para. 2(3)**; S.I. 2011/3019, **art. 3**, Sch. 1 para. (iii) (as amended by S.I. 2012/75, art. 2(2)(d))
- F29** S. 5(1C)(1D) inserted (30.4.2009 for E., otherwise prosp.) by Police and Justice Act 2006 (c. 48), **ss. 21, 53(1)(a)**; S.I. 2009/936, **art. 2(c)**
- F30** Words in s. 5(1C) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 88, 157(1), Sch. 11 para. 2(4)**; S.I. 2011/3019, **art. 3**, Sch. 1 para. (iii) (as amended by S.I. 2012/75, art. 2(2)(d))
- F31** Words in s. 5(1D) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 88, 157(1), Sch. 11 para. 2(5)**; S.I. 2011/3019, **art. 3**, Sch. 1 para. (iii) (as amended by S.I. 2012/75, art. 2(2)(d))
- F32** Words in s. 5(1D) inserted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 7**; S.I. 2012/1008, art. 4(b)
- F33** S. 5(1E)(1F) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 88, 157(1), Sch. 11 para. 2(6)**; S.I. 2011/3019, **art. 3**, Sch. 1 para. (iii) (as amended by S.I. 2012/75, art. 2(2)(d))
- F34** Words in s. 5(2) substituted (16.1.2012) of Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 88, 157(1), Sch. 11 para. 2(7)**; S.I. 2011/3019, **art. 3**, Sch. 1 para. (iii) (as amended by S.I. 2012/75, art. 2(2)(d))
- F35** S. 5(2)(b) substituted for s. 5(2)(a)(b) (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **s. 97(4)(a)**; S.I. 2002/2306, **art. 3(a)**; S.I. 2003/525, **art. 2**
- F36** S. 5(2)(ba) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 13(2)**
- F37** S. 5(2)(d) and preceding word inserted (1.10.2002 for E. and 1.4.2003 for W.) by Police Reform Act 2002 (c. 30), **s. 97(4)(b)**; S.I. 2002/2306, **art. 3(a)**; S.I. 2003/525, **art. 2**
- F38** Words in s. 5(3) inserted (1.4.2003 for W. and 23.2.2004 for E.) by Police Reform Act 2002 (c. 30), **ss. 97(5), 108(2)(4)**; S.I. 2003/525, **art. 2**; S.I. 2004/119, **art. 2**
- F39** S. 5(5) inserted (1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 97(6), 108(2)(4)**; S.I. 2003/525, **art. 2**; S.I. 2003/808, **art. 2(j)**
- F40** S. 5(5): definition of "fire authority" substituted (7.9.2004 for E.S. for specified purposes, 1.10.2004 for E.S. otherwise, and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), **ss. 53(1), 61, Sch. 1 para. 89(2)(b)**; S.I. 2004/2304, **art. 2** (with art. 3); S.I. 2004/2917, **art. 2**
- F41** Words in s. 5(5) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 78**; S.I. 2017/399, **reg. 2**, Sch. para. 38
- F42** Words in s. 5(5) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 104**; S.I. 2018/227, **reg. 4(c)**
- F43** S. 5(5): definition of "police authority" and preceding word omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 88, 157(1), Sch. 11 para. 2(8)(b)**; S.I. 2011/3019, **art. 3**, Sch. 1 para. (iii) (as amended by S.I. 2012/75, art. 2(2)(d)) (with Sch. 2 para. 6(a))

*Status: Point in time view as at 25/05/2018.*

*Changes to legislation: Crime and Disorder Act 1998, 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)*

**F44** S. 5(6)-(8) inserted (1.8.2007 for E. and 19.11.2007 for W.) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 22, 53(1)(a), [Sch. 9 para. 2\(5\)](#); [S.I. 2007/1614](#), [art 3\(b\)](#); [S.I. 2007/3073](#), [art. 2\(a\)](#)

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

**C2** S. 5: functions of local authority not to be the sole responsibility of the executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 4\(1\)](#), [Sch. 3](#)

**C3** S. 5(1) modified (1.4.2003 for W. and 30.4.2004 for E.) by [Police Reform Act 2002 \(c. 30\)](#), ss. {s. 97(15)}, 108(2)(4); [S.I. 2003/525](#), [art. 2](#); [S.I. 2004/913](#), [art. 3\(a\)](#)

**C4** S. 5 modified (30.4.2009 for E. and 1.10.2009 for W.) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 19(10), 53(1)(a), [Sch. 8 para. 11\(2\)](#); [S.I. 2009/936](#), [art. 2\(d\)](#); [S.I. 2009/2540](#), [art. 2\(c\)](#)

**C5** S. 5(5) applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Fire and Rescue Functions\) Order 2017 \(S.I. 2017/469\)](#), [art. 1\(3\)](#), [Sch. para. 4\(2\)](#)

**Commencement Information**

**II** S. 5 wholly in force; S. 5 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](#))

**[<sup>F45</sup>5A Combination agreements: further provision**

- (1) A combination agreement for a combined area may be made only if every responsible authority in relation to that area is a party to the agreement.
- (2) The relevant local policing body for a combined area may enter into a combination agreement for that area only if it considers that it would be in the interests of one or more of the following to do so—
  - (a) reducing crime and disorder;
  - (b) reducing re-offending;
  - (c) combating the misuse of drugs, alcohol and other substances.
- (3) Subsections (4) to (6) apply if a combined area in relation to a combination agreement includes (wholly or partly) the area of more than one police area.
- (4) The combination agreement must include arrangements for securing effective and efficient co-operation—
  - (a) between each of the relevant local policing bodies in relation to the combined area, and
  - (b) between the responsible authorities for the area and those relevant local policing bodies.
- (5) The Secretary of State must be a party to the agreement (if not already a party by virtue of being a relevant local policing body in relation to the combined area).
- (6) The Secretary of State may enter into the agreement only if the Secretary of State—
  - (a) considers that it would be in the interests of one or more of the matters mentioned in subsection (2), and
  - (b) is satisfied that the arrangements mentioned in subsection (4) are adequate for the purposes of securing effective and efficient co-operation in the carrying out of functions under section 6.
- (7) A combination agreement—
  - (a) must be in writing, and
  - (b) may be varied by a further combination agreement.

*Status: Point in time view as at 25/05/2018.*

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- (8) A combination agreement may be terminated by agreement in writing between the parties to it; and subsection (2), and (as the case may be) (6)(a), applies to an agreement under this subsection.
- (9) In this section “combination agreement”, “combined area” and “relevant local policing body” have the same meanings as in section 5.]

#### Textual Amendments

- F45** S. 5A inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. 88, 157(1), [Sch. 11 para. 3](#); [S.I. 2011/3019](#), [art. 3](#), [Sch. 1 para. \(iii\)](#) (as amended by [S.I. 2012/75](#), [art. 2\(2\)](#) (d))

#### [<sup>F46</sup>6 Formulation and implementation of strategies.

- (1) The responsible authorities for a local government area shall, in accordance with section 5 [<sup>F47</sup>, with subsection (1A),] and with regulations made under subsection (2), formulate and implement—
  - (a) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
  - (b) a strategy for combatting the misuse of drugs, alcohol and other substances in the area [<sup>F48</sup>; and
  - (c) a strategy for the reduction of re-offending in the area].

[<sup>F49</sup>(1A) In exercising functions under subsection (1), apart from devolved Welsh functions (as defined by section 5(8)), each of the responsible authorities for a local government area must have regard to the police and crime objectives set out in the police and crime plan for the police area which comprises or includes that local government area.]

- (2) The appropriate national authority may by regulations make further provision as to the formulation and implementation of a strategy under this section.
  - (3) Regulations under subsection (2) may in particular make provision for or in connection with—
    - (a) the time by which a strategy must be prepared and the period to which it is to relate;
    - (b) the procedure to be followed by the responsible authorities in preparing and implementing a strategy (including requirements as to the holding of public meetings and other consultation);
    - (c) the conferring of functions on any one or more of the responsible authorities in relation to the formulation and implementation of a strategy;
- [<sup>F50</sup>(ca) the conferring of functions on a police and crime commissioner for a police area in England in relation to the formulation and implementation of a strategy for any local government area that lies in that police area;]
- (d) matters to which regard must be had in formulating and implementing a strategy;
  - (e) objectives to be addressed in a strategy and performance targets in respect of those objectives;
  - (f) the sharing of information between responsible authorities;
  - (g) the publication and dissemination of a strategy;

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- (h) the preparation of reports on the implementation of a strategy.
- (4) The provision which may be made under subsection (2) includes provision for or in connection with the conferring of functions on a committee of, or a particular member or officer of, any of the responsible authorities.
- [<sup>F51</sup>(4A) Provision under subsection (3)(ca) may include provision—
- (a) for a police and crime commissioner to arrange for meetings to be held for the purpose of assisting in the formulation and implementation of any strategy (or strategies) that the commissioner may specify that relate to any part of the police area of the commissioner,
  - (b) for the commissioner to chair the meetings, and
  - (c) for such descriptions and numbers of persons to attend the meetings as the commissioner may specify (including, in particular, representatives of the responsible authorities in relation to the strategies to be discussed at the meetings).]

(5) The matters referred to in subsection (3)(d) may in particular include guidance given by the appropriate national authority in connection with the formulation or implementation of a strategy.

(6) Provision under subsection (3)(e) may require a strategy to be formulated so as to address (in particular)—

    - (a) the reduction of crime or disorder of a particular description; or
    - (b) the combatting of a particular description of misuse of drugs, alcohol or other substances.

(7) Regulations under this section may make—

    - (a) different provision for different local government areas;
    - (b) supplementary or incidental provision.

(8) For the purposes of this section any reference to the implementation of a strategy includes—

    - (a) keeping it under review for the purposes of monitoring its effectiveness; and
    - (b) making any changes to it that appear necessary or expedient.

(9) In this section the “appropriate national authority” is—

    - (a) the Secretary of State, in relation to strategies for areas in England;
    - (b) the National Assembly for Wales, in relation to strategies for combatting the misuse of drugs, alcohol or other substances in areas in Wales;
    - (c) the Secretary of State and the Assembly acting jointly, in relation to strategies for combatting crime and disorder [<sup>F52</sup>or re-offending] in areas in Wales.]

#### Textual Amendments

- F46** S. 6 substituted for ss. 6, 6A (1.8.2007 for E. and 19.11.2007 for W.) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 22, 53(1)(a), [Sch. 9 para. 3](#); S.I. 2007/1614, [art 3\(b\)](#); S.I. 2007/3073, [art. 2\(a\)](#)
- F47** Words in s. 6(1) inserted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 11 para. 4\(2\)](#); S.I. 2012/2892, art. 2(f)
- F48** S. 6(1)(c) and preceding word inserted (2.3.2010 for specified purposes, otherwise 1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 108(4), 116(1); S.I. 2010/507, [arts. 3, 5\(p\)](#)
- F49** S. 6(1A) inserted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 11 para. 4\(3\)](#); S.I. 2012/2892, art. 2(f)

*Status: Point in time view as at 25/05/2018.*

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- F50** S. 6(3)(ca) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 11 para. 4(4)**; S.I. 2012/2892, art. 2(f)
- F51** S. 6(4A) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 11 para. 4(5)**; S.I. 2012/2892, art. 2(f)
- F52** Words in s. 6(9)(c) inserted (2.3.2010 for specified purposes, otherwise 1.4.2010) by Policing and Crime Act 2009 (c. 26), **ss. 108(5)**, 116(1); S.I. 2010/507, **arts. 3**, 5(p)

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

- C6** S. 6 functions made exercisable jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 4 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 4** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

## 7 Supplemental.

(1) The responsible authorities for a local government area shall, whenever so required by the [<sup>F54</sup>relevant local policing body for that area], submit to [<sup>F55</sup>that body] a report on such matters connected with the exercise of their functions under section 6 above [<sup>F56</sup>, apart from devolved Welsh functions (as defined by section 5(8)),] as may be specified in the requirement.

[<sup>F57</sup>(1A) The relevant local policing body in relation to a local government area may require a report under subsection (1) only if—

- (a) the body is not satisfied that the responsible authorities for the area are carrying out their functions under section 6 in an effective and efficient manner, and
- (b) the body considers it reasonable and proportionate in all the circumstances to require a report.]

(2) A requirement under subsection (1) above may specify the form in which a report is to be given.

(3) The [<sup>F58</sup>relevant local policing body] may arrange, or require the responsible authorities to arrange, for a report under subsection (1) above to be published in such manner as appears to [<sup>F59</sup>the body] to be appropriate.

[<sup>F60</sup>(4) Relevant local policing body”, in relation to a local government area, means—

- (a) if the area (or any part of it) falls within the police area of a police and crime commissioner, the commissioner,
- (b) if the area (or any part of it) falls within the metropolitan police district, the Mayor's Office for Policing and Crime, and
- (c) if the area (or any part of it) is the City of London, the Secretary of State.

(5) If there is more than one relevant local policing body in relation to a combined area that is to be treated as one local government area under a combination agreement (see section 5(1A))—

- (a) a report submitted under subsection (1) is to be submitted to each of the relevant local policing bodies for the combined area, and
- (b) references in this section to any requirement or arrangement made by the relevant local policing body are references to a requirement or arrangement made by each of the relevant local policing bodies for the combined area acting jointly.]

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### Textual Amendments

- F54** Words in s. 7(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. 88, 157(1), [Sch. 11 para. 5\(2\)\(a\)](#); S.I. 2011/3019, [art. 3](#), Sch. 1 para. (iii) (as amended by S.I. 2012/75, [art. 2\(2\)\(d\)](#))
- F55** Words in s. 7(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. 88, 157(1), [Sch. 11 para. 5\(2\)\(b\)](#); S.I. 2011/3019, [art. 3](#), Sch. 1 para. (iii) (as amended by S.I. 2012/75, [art. 2\(2\)\(d\)](#))
- F56** Words in s. 7(1) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. 88, 157(1), [Sch. 11 para. 5\(2\)\(c\)](#); S.I. 2011/3019, [art. 3](#), Sch. 1 para. (iii) (as amended by S.I. 2012/75, [art. 2\(2\)\(d\)](#))
- F57** S. 7(1A) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. 88, 157(1), [Sch. 11 para. 5\(3\)](#); S.I. 2011/3019, [art. 3](#), Sch. 1 para. (iii) (as amended by S.I. 2012/75, [art. 2\(2\)\(d\)](#))
- F58** Words in s. 7(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. 88, 157(1), [Sch. 11 para. 5\(4\)\(a\)](#); S.I. 2011/3019, [art. 3](#), Sch. 1 para. (iii) (as amended by S.I. 2012/75, [art. 2\(2\)\(d\)](#))
- F59** Words in s. 7(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. 88, 157(1), [Sch. 11 para. 5\(4\)\(b\)](#); S.I. 2011/3019, [art. 3](#), Sch. 1 para. (iii) (as amended by S.I. 2012/75, [art. 2\(2\)\(d\)](#))
- F60** S. 7(4)(5) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. 88, 157(1), [Sch. 11 para. 5\(5\)](#); S.I. 2011/3019, [art. 3](#), Sch. 1 para. (iii) (as amended by S.I. 2012/75, [art. 2\(2\)\(d\)](#))

### Commencement Information

- I2** S. 7 wholly in force; S. 7 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](#))

## *Youth crime and disorder*

### 8 Parenting orders.

- (1) This section applies where, in any court proceedings—
- (a) a child safety order is made in respect of a child <sup>F61</sup>or the court determines on an application under section 12(6) below that a child has failed to comply with any requirement included in such an order];
  - <sup>F62</sup>(aa) a parental compensation order is made in relation to a child's behaviour;]
  - (b) <sup>F63</sup>an injunction is granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, an order is made under section 22 of that Act or a <sup>F64</sup>sexual harm prevention order] is made in respect of a child or young person;
  - (c) a child or young person is convicted of an offence; or
  - (d) a person is convicted of an offence under section 443 (failure to comply with school attendance order) or section 444 (failure to secure regular attendance at school of registered pupil) of the <sup>M1</sup>Education Act 1996.
- (2) Subject to subsection (3) and section 9(1) below <sup>F65</sup>. . . , if in the proceedings the court is satisfied that the relevant condition is fulfilled, it may make a parenting order in respect of a person who is a parent or guardian of the child or young person or, as

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the case may be, the person convicted of the offence under section 443 or 444 (“the parent”).

- (3) A court shall not make a parenting order unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area in which it appears to the court that the parent resides or will reside and the notice has not been withdrawn.
- [<sup>F66</sup>(4) A parenting order is an order which requires the parent—
- (a) to comply, for a period not exceeding twelve months, with such requirements as are specified in the order, and
  - (b) subject to subsection (5) below, to attend, for a concurrent period not exceeding three months, such counselling or guidance programme as may be specified in directions given by the responsible officer.
- (5) A parenting order may, but need not, include such a requirement as is mentioned in subsection (4)(b) above in any case where a parenting order under this section or any other enactment has been made in respect of the parent on a previous occasion.]
- (6) The relevant condition is that the parenting order would be desirable in the interests of preventing—
- (a) in a case falling within paragraph (a) [<sup>F67</sup>, (aa)] or (b) of subsection (1) above, any repetition of the kind of behaviour which led to [<sup>F68</sup> the order being made or the injunction granted ]
  - (b) in a case falling within paragraph (c) of that subsection, the commission of any further offence by the child or young person;
  - (c) in a case falling within paragraph (d) of that subsection, the commission of any further offence under section 443 or 444 of the <sup>M2</sup>Education Act 1996.
- (7) The requirements that may be specified under subsection (4)(a) above are those which the court considers desirable in the interests of preventing any such repetition or, as the case may be, the commission of any such further offence.
- [<sup>F69</sup>(7A) A counselling or guidance programme which a parent is required to attend by virtue of subsection (4)(b) above may be or include a residential course but only if the court is satisfied—
- (a) that the attendance of the parent at a residential course is likely to be more effective than his attendance at a non-residential course in preventing any such repetition or, as the case may be, the commission of any such further offence, and
  - (b) that any interference with family life which is likely to result from the attendance of the parent at a residential course is proportionate in all the circumstances.]

(8) In this section and section 9 below “responsible officer”, in relation to a parenting order, means one of the following who is specified in the order, namely—

    - (a) [<sup>F70</sup>an officer of a local probation board][<sup>F71</sup>or an officer of a provider of probation services];
    - (b) a social worker of a local authority <sup>F72</sup>. . . ; and
    - [<sup>F73</sup>(bb) a person nominated by [<sup>F74</sup>a person appointed as director of children’s services under section 18 of the Children Act 2004 or by] a person appointed as chief education officer under section 532 of the <sup>M3</sup>Education Act 1996]
    - (c) a member of a youth offending team.

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[<sup>F75</sup>(9) In this section “sexual harm prevention order” means an order under section 103A of the Sexual Offences Act 2003 (sexual harm prevention orders).]

#### Textual Amendments

- F61** Words in s. 8(1)(a) inserted (1.3.2005) by Children Act 2004 (c. 31), **ss. 60(2)**, 67(7)(h); S.I. 2005/394, **art. 2(1)(j)**
- F62** S. 8(1)(aa) inserted (20.7.2006 in relation to specified areas) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 144**, 178(8), **Sch. 10 para. 3(2)**; S.I. 2006/1871, **art. 2**, Sch. (as amended by S.I. 2006/2182, **art. 3**)
- F63** Words in s. 8(1)(b) substituted (20.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 25(2)** (with **ss. 21**, 33, 42, 58, 75, 93); S.I. 2014/2590, **art. 3(g)(iv)** (with **art. 4**) (as amended (20.10.2014) by S.I. 2014/2754, **arts. 1**, 4)
- F64** Words in s. 8(1)(b) substituted (8.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 55(2)(a)** (with **ss. 21**, 33, 42, 58, 75, 93); S.I. 2015/373, **art. 2(g)(i)**
- F65** Words in s. 8(2) omitted (27.2.2004) by virtue of Criminal Justice Act 2003 (c. 44), **ss. 324**, 336(3), **Sch. 34 para. 1**; S.I. 2004/81, **art. 5(2)(d)** (and those same words repealed (15.12.2004) by Pt. 12 of Sch. 37 to that Act; S.I. 2004/3033, **art. 3(2)(e)(ii)(cc)**)
- F66** S. 8(4)(5) substituted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 18(2)**, 93(1); S.I. 2003/3300, **art. 3(a)(i)**
- F67** Words in s. 8(6)(a) inserted (20.7.2006 in relation to specified areas) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 144**, 178(8), **Sch. 10 para. 3(3)(a)**; S.I. 2006/1871, **art. 2**, Sch. (as amended by S.I. 2006/2182, **art. 3**)
- F68** Words in s. 8(6)(a) substituted (20.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 25(4)** (with **ss. 21**, 33, 42, 58, 75, 93); S.I. 2014/2590, **art. 3(g)(iv)** (with **art. 4**) (as amended (20.10.2014) by S.I. 2014/2754, **arts. 1**, 4)
- F69** S. 8(7A) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 18(3)**, 93(1); S.I. 2003/3300, **art. 3(a)(i)**
- F70** Words in s. 8(8)(a) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 4(1)(a)(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F71** Words in s. 8(8)(a) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), **art. 3**, **Sch. 1 para. 13(3)**
- F72** Words in s. 8(8)(b) repealed (1.4.2005 for E. and 1.4.2006 for W.) by Children Act 2004 (c. 31), **ss. 64**, 67(8), **Sch. 5 Pt. 4**, Note; S.I. 2005/394, **art. 2(2)(g)**; S.I. 2006/885, **art. 2(2)(h)**
- F73** S. 8(8)(bb) inserted (1.4.2001) by 2000 c. 43, s. 73; S.I. 2001/919, **art. 2(d)**
- F74** Words in s. 8(8)(bb) inserted (with effect for specified purposes as mentioned in s. 18(9)(a) of the amending Act, otherwise 1.1.2008) by Children Act 2004 (c. 31), **ss. 18(9)(10)**, 67(2), **Sch. 2 para. 5(2)**; S.I. 2007/1792, **art. 2**
- F75** S. 8(9) substituted (8.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 55(3)** (with **ss. 21**, 33, 42, 58, 75, 93); S.I. 2015/373, **art. 2(g)(i)**

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

- C7** S. 8 restricted (26.6.2000) by 1999 c. 23, **ss. 4(5)(6)**, (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1587, **art. 2**; which s. 4 of that 1999 Act was repealed (25.8.2000) by 2000 c. 6, **ss. 165(4)**, 168(1), **Sch. 12 Pt. I** (with **Sch. 11 paras. 1**, 2)
- C8** S. 8(3)(8) applied (27.2.2004) by Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), **Sch. 1 para. 9D(7)** (as inserted by Crime and Disorder Act 2003 (c. 44), **ss. 324**, 336(3), **Sch. 34 para. 6**; S.I. 2004/81, **art. 5(2)(d)**)

#### Commencement Information

- I3** S. 8 wholly in force; S. 8 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**)



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#### Marginal Citations

M1 1996 c.56.

M2 1996 c.56.

M3 1996 c. 56.

## 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>F76</sup>(1A) The requirements of subsection (1) do not apply where the court makes a referral order in respect of the offence.]

[<sup>F77</sup>(1B) If [<sup>F78</sup> an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 is granted or an order is made under section 22 of that Act ] is made in respect of a person under the age of 16 the court which [<sup>F79</sup> grants the injunction or ] 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
- 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>F80</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—

- indicating the requirements proposed by that officer to be included in the parenting order;
- 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
- 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—

- an officer of a local probation board [<sup>F81</sup> or an officer of a provider of probation services];
- a social worker of a local authority <sup>F82</sup>. . . ; or
- a member of a youth offending team.]

*Status: Point in time view as at 25/05/2018.*

*Changes to legislation: Crime and Disorder Act 1998, 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)*

- (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.
- [<sup>F83</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

- F76** 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)**
- F77** 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)**
- F78** Words in s. 9(1B) substituted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 26(3)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iv) (with **art. 4**) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 4)
- F79** Words in s. 9(1B) inserted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 26(3)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(iv) (with **art. 4**) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 4)
- F80** 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)**
- F81** Words in s. 9(2B)(a) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 3, **Sch. 1 para. 13(4)**

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- F82** Words in s. 9(2B)(b) repealed (1.4.2005 for E. and 1.4.2006 for W.) by Children Act 2004 (c. 31), ss. 64, 67(8), **Sch. 5 Pt. 4**, Note; S.I. 2005/394, **art. 2(2)(g)**; S.I. 2006/885, **art. 2(2)(h)**
- F83** 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)**

- C9** 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**
- C10** 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)**
- C11** S. 9(3)-(7) applied (27.2.2004) by Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), **Sch. 1 para. 9D(7)** (as inserted by Crime and Disorder Act 2003 (c. 44), ss. 324, 336(3), **Sch. 34 para. 6**; S.I. 2004/81, **art. 5(2)(d)**)

**Commencement Information**

- I4** 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)

**10 Appeals against parenting orders.**

- (1) An appeal shall lie—
- to [<sup>F84</sup>the county court] against the making of a parenting order by virtue of paragraph (a) of subsection (1) of section 8 above; and
  - to the Crown Court against the making of a parenting order by virtue of paragraph (b) of that subsection.
- (2) On an appeal under subsection (1) above [<sup>F84</sup>the county court] or the Crown Court—
- may make such orders as may be necessary to give effect to its determination of the appeal; and
  - may also make such incidental or consequential orders as appear to it to be just.
- (3) Any order of [<sup>F84</sup>the county court] or the Crown Court made on an appeal under subsection (1) above (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes of subsections (5) to (7) of section 9 above, be treated as if it were an order of the court from which the appeal was brought and not an order of [<sup>F84</sup>the county court] or the Crown Court.
- (4) A person in respect of whom a parenting order is made by virtue of section 8(1)(c) above shall have the same right of appeal against the making of the order as if—
- the offence that led to the making of the order were an offence committed by him; and
  - the order were a sentence passed on him for the offence.
- (5) A person in respect of whom a parenting order is made by virtue of section 8(1)(d) above shall have the same right of appeal against the making of the order as if the order were a sentence passed on him for the offence that led to the making of the order.
- (6) The Lord Chancellor may [<sup>F85</sup> with the concurrence of the Lord Chief Justice,] by order make provision as to the circumstances in which appeals under subsection (1) (a) above may be made against decisions taken by courts on questions arising in connection with the transfer, or proposed transfer, of proceedings by virtue of any

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order under paragraph 2 of Schedule 11 (jurisdiction) to the <sup>M4</sup>Children Act 1989 (“the 1989 Act”).

(7) Except to the extent provided for in any order made under subsection (6) above, no appeal may be made against any decision of a kind mentioned in that subsection.

[<sup>F86</sup>(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

#### Textual Amendments

- F84** Words in s. 10 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F85** Words in s. 10(6) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 148(1), 15, [Sch. 4 para. 277\(2\)](#); [S.I. 2006/1014](#) {[art. 2\(a\)](#)}, [Sch. 1 para. 11\(v\)](#)
- F86** S. 10(8) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 148(1), 15, [Sch. 4 para. 277\(3\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(v\)](#)

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

- C12** S. 10(2)(3) applied (27.2.2004 for E. and 11.5.2006 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. [22\(2\)](#), 93(1); [S.I. 2003/3300](#), [art. 4\(d\)](#); [S.I. 2006/1278](#) {[art. 2](#)}
- C13** S. 10(2)(3) applied (27.2.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. [28\(2\)](#), 93(1); [S.I. 2003/3300](#), [art. 3\(a\)\(iii\)](#)
- C14** S. 10(2)(3) applied (27.2.2004) by [Powers of Criminal Courts \(Sentencing\) Act 2000 \(c. 6\)](#), [Sch. 1 para. 9E\(2\)](#) (as inserted by [Crime and Disorder Act 2003 \(c. 44\)](#), ss. 324, 336(3), [Sch. 34 para. 6](#); [S.I. 2004/81](#), [art. 5\(2\)\(d\)](#))

#### Commencement Information

- I5** S. 10 wholly in force at 1.6.2000; S. 10 not in force at Royal Assent see s. 121; S. 10(1)-(5) in force at 30.9.1998 by [S.I. 1998/2327](#), [art. 2\(1\)](#) (subject to savings in [arts. 5-8](#)); s. 10(6)(7) in force at 1.6.2000 by [S.I. 2000/924](#), [art. 5](#)

#### Marginal Citations

- M4** [1989 c.41](#).

## 11 Child safety orders.

- (1) Subject to subsection (2) below, if [<sup>F87</sup> the family court ], on the application of a local authority, is satisfied that one or more of the conditions specified in subsection (3) below are fulfilled with respect to a child under the age of 10, it may make an order (a “child safety order”) which—
- places the child, for a period (not exceeding the permitted maximum) specified in the order, under the supervision of the responsible officer; and
  - requires the child to comply with such requirements as are so specified.
- (2) A court shall not make a child safety order unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area in which it appears that the child resides or will reside and the notice has not been withdrawn.
- (3) The conditions are—

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- (a) that the child has committed an act which, if he had been aged 10 or over, would have constituted an offence;
  - (b) that a child safety order is necessary for the purpose of preventing the commission by the child of such an act as is mentioned in paragraph (a) above;
  - (c) <sup>F88</sup> . . . . .
  - (d) that the child has acted in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself.
- (4) The maximum period permitted for the purposes of subsection (1)(a) above is [<sup>F89</sup>twelve months].
- (5) The requirements that may be specified under subsection (1)(b) above are those which the court considers desirable in the interests of—
- (a) securing that the child receives appropriate care, protection and support and is subject to proper control; or
  - (b) preventing any repetition of the kind of behaviour which led to the child safety order being made.
- (6) Proceedings under this section or section 12 below shall be family proceedings for the purposes of the 1989 Act <sup>F90</sup> . . . ; and the standard of proof applicable to such proceedings shall be that applicable to civil proceedings.
- (7) In this section “local authority” has the same meaning as in the 1989 Act.
- (8) In this section and section 12 below, “responsible officer”, in relation to a child safety order, means one of the following who is specified in the order, namely—
- (a) a social worker of a local authority <sup>F91</sup> . . . ; and
  - (b) a member of a youth offending team.

#### Textual Amendments

- F87** Words in s. 11(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 147\(2\)](#); [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F88** S. 11(3)(c) repealed (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(2), 116(6)(a), [Sch. 8 Pt. 13](#)
- F89** Words in s. 11(4) substituted (1.3.2005) by [Children Act 2004 \(c. 31\)](#), [ss. 60\(3\)](#), 67(7)(h); [S.I. 2005/394](#), [art. 2\(1\)\(j\)](#)
- F90** Words in s. 11(6) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 147\(3\)](#); [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F91** Words in s. 11(8)(a) repealed (1.4.2005 for E. and 1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [ss. 64](#), 67(8), [Sch. 5 Pt. 4](#), Note; [S.I. 2005/394](#), [art. 2\(2\)\(g\)](#); [S.I. 2006/885](#), [art. 2\(2\)\(h\)](#)

#### Commencement Information

- I6** S. 11 wholly in force; S. 11 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](#))

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## 12 Child safety orders: supplemental.

- (1) Before making a child safety order, [<sup>F92</sup> the family court ] shall obtain and consider information about the child's family circumstances and the likely effect of the order on those circumstances.
- (2) Before making a child safety order, [<sup>F93</sup> the family court ] shall explain to the parent or guardian of the child 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 (6) below) if the child fails to comply with any of those requirements; and
  - (c) that the court has power (under subsection (4) below) to review the order on the application either of the parent or guardian or of the responsible officer.
- (3) Requirements included in a child safety 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 the child normally attends school.
- (4) If while a child safety order is in force in respect of a child it appears to the court which made it, on the application of the responsible officer or a parent or guardian of the child, that it is appropriate to make an order under this subsection, the court may make an order discharging the child safety 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.
- (5) Where an application under subsection (4) above for the discharge of a child safety 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.
- (6) Where a child safety order is in force and it is proved to the satisfaction of the court which made it <sup>F94</sup> ..., on the application of the responsible officer, that the child has failed to comply with any requirement included in the order, the court—
  - (a) <sup>F95</sup> .....
  - (b) may make an order varying the order—
    - (i) by cancelling any provision included in it; or
    - (ii) 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.
- (7) <sup>F95</sup> .....

### Textual Amendments

- F92** Words in s. 12(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 148\(2\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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- F93** Words in s. 12(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 148\(3\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F94** Words in s. 12(6) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 148\(4\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F95** S. 12(6)(a)(7) repealed (1.3.2005) by [Children Act 2004 \(c. 31\)](#), ss. 60(4), 67(7)(h), [Sch. 5 Pt. 6](#), Note; [S.I. 2005/394](#), art. 2(1)(j)

#### Commencement Information

- I7** S. 12 wholly in force; S. 12 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](#))

### <sup>F96</sup>13 Appeals against child safety orders.

.....

#### Textual Amendments

- F96** S. 13 omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 149](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

### [<sup>F97</sup>13A Parental compensation orders

- (1) A magistrates' court may make an order under this section (a “parental compensation order”) if on the application of a local authority it is satisfied, on the civil standard of proof—
  - (a) that the condition mentioned in subsection (2) below is fulfilled with respect to a child under the age of 10; and
  - (b) that it would be desirable to make the order in the interests of preventing a repetition of the behaviour in question.
- (2) The condition is that the child has taken, or caused loss of or damage to, property in the course of—
  - (a) committing an act which, if he had been aged 10 or over, would have constituted an offence; or
  - (b) acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself.
- (3) A parental compensation order is an order which requires any person specified in the order who is a parent or guardian of the child (other than a local authority) to pay compensation of an amount specified in the order to any person or persons specified in the order who is, or are, affected by the taking of the property or its loss or damage.
- (4) The amount of compensation specified may not exceed £5,000 in all.
- (5) The Secretary of State may by order amend subsection (4) above so as to substitute a different amount.
- (6) For the purposes of collection and enforcement, a parental compensation order is to be treated as if it were a sum adjudged to be paid on the conviction by the magistrates'

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court which made the order of the person or persons specified in the order as liable to pay the compensation.

- (7) In this section and sections 13B and 13C below, “local authority” has the same meaning as in the 1989 Act.

#### Textual Amendments

**F97** Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 144, 178(8), [Sch. 10 para. 2](#); S.I. 2006/1871, [art. 2](#), [Sch.](#) (as amended by S.I. 2006/2182, [art. 3](#))

### 13B Parental compensation orders: the compensation

- (1) When specifying the amount of compensation for the purposes of section 13A(3) above, the magistrates' court shall take into account—
- (a) the value of the property taken or damaged, or whose loss was caused, by the child;
  - (b) any further loss which flowed from the taking of or damage to the property, or from its loss;
  - (c) whether the child, or any parent or guardian of his, has already paid any compensation for the property (and if so, how much);
  - (d) whether the child, or any parent or guardian of his, has already made any reparation (and if so, what it consisted of);
  - (e) the means of those to be specified in the order as liable to pay the compensation, so far as the court can ascertain them;
  - (f) whether there was any lack of care on the part of the person affected by the taking of the property or its loss or damage which made it easier for the child to take or damage the property or to cause its loss.
- (2) If property taken is recovered before compensation is ordered to be paid in respect of it—
- (a) the court shall not order any such compensation to be payable in respect of it if it is not damaged;
  - (b) if it is damaged, the damage shall be treated for the purposes of making a parental compensation order as having been caused by the child, regardless of how it was caused and who caused it.
- (3) The court shall specify in the order how and by when the compensation is to be paid (for example, it may specify that the compensation is to be paid by instalments, and specify the date by which each instalment must be paid).
- (4) For the purpose of ascertaining the means of the parent or guardian, the court may, before specifying the amount of compensation, order him to provide the court, within such period as it may specify in the order, such a statement of his [<sup>F98</sup>assets and other] financial circumstances as the court may require.
- (5) A person who without reasonable excuse fails to comply with an order under subsection (4) above is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.



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- (6) If, in providing a statement <sup>F99</sup>... pursuant to an order under subsection (4) above, a person—
- (a) makes a statement which he knows to be false in a material particular;
  - (b) recklessly provides a statement which is false in a material particular; or
  - (c) knowingly fails to disclose any material fact,
- he is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) Proceedings in respect of an offence under subsection (6) above may, despite anything in section 127(1) of [<sup>F100</sup>the Magistrates' Courts Act 1980 (“the 1980 Act”)] (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months of its first discovery by the local authority, whichever period expires earlier.

#### Textual Amendments

- F97** Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 144, 178(8), [Sch. 10 para. 2](#); S.I. 2006/1871, [art. 2](#), Sch. (as amended by S.I. 2006/2182, [art. 3](#))
- F98** Words in s. 13B(4) inserted (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 27\(a\)](#); S.I. 2013/2981, [art. 2\(d\)](#)
- F99** Words in s. 13B(6) omitted (11.12.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 27\(b\)](#); S.I. 2013/2981, [art. 2\(d\)](#)
- F100** Words in s. 13B(7) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 150](#); S.I. 2014/954, [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

### 13C Parental compensation orders: supplemental

- (1) Before deciding whether or not to make a parental compensation order in favour of any person, the magistrates' court shall take into account the views of that person about whether a parental compensation order should be made in his favour.
- (2) Before making a parental compensation order, the magistrates' court shall obtain and consider information about the child's family circumstances and the likely effect of the order on those circumstances.
- (3) Before making a parental compensation order, a magistrates' court shall explain to the parent or guardian of the child 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 (4)(b) below) as a result of failure to comply with any of those requirements;
  - (c) that the court has power (under subsection (4)(a) below) to review the order on the application either of the parent or guardian or of the local authority.
- (4) A magistrates' court which has made a parental compensation order may make an order under subsection (5) below if while the order is in force—
- (a) it appears to the court, on the application of the local authority, or the parent or guardian subject to the order, that it is appropriate to make an order under subsection (5); or

*Status: Point in time view as at 25/05/2018.*

*Changes to legislation: Crime and Disorder Act 1998, 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)*

- (b) it is proved to the satisfaction of the court, on the application of the local authority, that the parent or guardian subject to it has failed to comply with any requirement included in the order.
- (5) An order under this subsection is an order discharging the parental compensation 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 (4) above for the discharge of a parental compensation 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) References in this section to the magistrates' court which made a parental compensation order include any magistrates' court acting in the same local justice area as that court.

#### Textual Amendments

**F97** Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 144, 178(8), [Sch. 10 para. 2](#); S.I. 2006/1871, [art. 2](#), Sch. (as amended by S.I. 2006/2182, [art. 3](#))

### 13D Parental compensation orders: appeal

- (1) If a magistrates' court makes a parental compensation order, the parent or guardian may appeal against the making of the order, or against the amount of compensation specified in the order.
- (2) The appeal lies to the Crown Court.
- (3) On the appeal the Crown Court—
- (a) may make such orders as may be necessary to give effect to its determination of the appeal;
  - (b) may also make such incidental or consequential orders as appear to it to be just.
- (4) Any order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes of section 13C above, be treated as if it were an order of the magistrates' court from which the appeal was brought and not an order of the Crown Court.
- (5) A person in whose favour a parental compensation order is made shall not be entitled to receive any compensation under it until (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal on which the order could be varied or set aside.

*Status: Point in time view as at 25/05/2018.*

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**Textual Amendments**

**F97** Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 144, 178(8), **Sch. 10 para. 2**; S.I. 2006/1871, **art. 2**, Sch. (as amended by S.I. 2006/2182, art. 3)

**13E Effect of parental compensation order on subsequent award of damages in civil proceedings**

- (1) This section has effect where—
  - (a) a parental compensation order has been made in favour of any person in respect of any taking or loss of property or damage to it; and
  - (b) a claim by him in civil proceedings for damages in respect of the taking, loss or damage is then to be determined.
- (2) The damages in the civil proceedings shall be assessed without regard to the parental compensation order, but the claimant may recover only an amount equal to the aggregate of the following—
  - (a) any amount by which they exceed the compensation; and
  - (b) a sum equal to any portion of the compensation which he fails to recover.
- (3) The claimant may not enforce the judgment, so far as it relates to such a sum as is mentioned in subsection (2)(b) above, without the permission of the court.]

**Textual Amendments**

**F97** Ss. 13A-13E inserted (20.7.2006 in relation to specified areas) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 144, 178(8), **Sch. 10 para. 2**; S.I. 2006/1871, **art. 2**, Sch. (as amended by S.I. 2006/2182, art. 3)

**14 Local child curfew schemes.**

**F101** .....

**Textual Amendments**

**F101** S. 14 repealed (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(1)(2), 116(6)(a), Sch. 7 para. 134(2), **Sch. 8 Pt. 13**

**15 Contravention of curfew notices.**

**F102** .....

**Textual Amendments**

**F102** S. 15 repealed (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(1)(2), 116(6)(a), Sch. 7 para. 134(2), **Sch. 8 Pt. 13**

*Status: Point in time view as at 25/05/2018.*

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## 16 Removal of truants [<sup>F103</sup>and excluded pupils] to designated premises etc.

- (1) This section applies where a local authority—
- (a) designates premises in a police area (“designated premises”) as premises to which children and young persons of compulsory school age may be removed under this section; and
  - (b) notifies the chief officer of police for that area of the designation.

- (2) A police officer of or above the rank of superintendent may direct that the powers conferred on a constable by [<sup>F104</sup>subsections (3) and (3ZA)] below—

- (a) shall be exercisable as respects any area falling within the police area and specified in the direction; and
- (b) shall be so exercisable during a period so specified;

and references in [<sup>F105</sup>each of those subsections] to a specified area and a specified period shall be construed accordingly.

- (3) If a constable has reasonable cause to believe that a child or young person found by him in a public place in a specified area during a specified period—

- (a) is of compulsory school age; and
- (b) is absent from a school without lawful authority,

the constable may remove the child or young person to designated premises, or to the school from which he is so absent.

- [<sup>F106</sup>(3ZA) If a constable has reasonable cause to believe that a child or young person found by him in a public place in a specified area during a specified period and during school hours—

- (a) is of compulsory school age,
- (b) has been excluded on disciplinary grounds from a relevant school for a fixed period or permanently,
- (c) remains excluded from that school,
- (d) has not subsequently been admitted as a pupil to any other school, and
- (e) has no reasonable justification for being in the public place,

the constable may remove the child or young person to designated premises.]

- [<sup>F107</sup>(3A) Subsection (2) shall have effect in relation to The British Transport Police Force; and for that purpose the reference to any area falling within the police area shall be treated as a reference to any area in a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.]

- [<sup>F108</sup>(3B) In subsection (3ZA), “school hours” means any time during a school session of the school referred to in paragraph (b) of that subsection or during a break between sessions of that school on the same day.]

- (4) A child’s or young person’s absence from a school shall be taken to be without lawful authority [<sup>F109</sup>unless the child or young person is prevented from attending by sickness or other unavoidable cause or the absence falls within subsection (3) (leave or day set apart for religious observance) of section 444 of the Education Act 1996].

- (5) In this section—

[<sup>F110</sup>“British Transport Police” means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);]

“local authority” means—

*Status: Point in time view as at 25/05/2018.*

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(a) in relation to England, a county council, a district council whose district does not form part of an area that has a county council, a London borough council or the Common Council of the City of London;

(b) in relation to Wales, a county council or a county borough council;

F111  
...

“public place” has the same meaning as in [F112]Part 2 of the Public Order Act 1986];

[F113]“relevant school” has the meaning given by section 111 of the Education and Inspections Act 2006;]

“school” has the same meaning as in the M5 Education Act 1996.

### Textual Amendments

**F103** Words in s. 16 heading inserted (1.9.2007 for E. and 31.10.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\), ss. 108\(6\)](#), 188(3); S.I. 2007/1801, [art. 3\(e\)](#); S.I. 2010/2543, [art. 2\(j\)](#)

**F104** Words in s. 16(2) inserted (1.9.2007 for E. and 31.10.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\), ss. 108\(2\)\(a\)](#), 188(3); S.I. 2007/1801, [art. 3\(e\)](#); S.I. 2010/2543, [art. 2\(j\)](#)

**F105** Words in s. 16(2) substituted (1.9.2007 for E. and 31.10.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\), ss. 108\(2\)\(b\)](#), 188(3); S.I. 2007/1801, [art. 3\(e\)](#); S.I. 2010/2543, [art. 2\(j\)](#)

**F106** S. 16(3ZA) inserted (1.9.2007 for E. and 31.10.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\), ss. 108\(3\)](#), 188(3); S.I. 2007/1801, [art. 3\(e\)](#); S.I. 2010/2543, [art. 2\(j\)](#)

**F107** S. 16(3A) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\), art. 12\(5\)\(c\)](#)

**F108** S. 16(3B) inserted (1.9.2007 for E. and 31.10.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\), ss. 108\(4\)](#), 188(3); S.I. 2007/1801, [art. 3\(e\)](#); S.I. 2010/2543, [art. 2\(j\)](#)

**F109** Words in s. 16(4) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\), ss. 109\(10\)](#), 188(1)

**F110** S. 16(5): definition of "British Transport Police" inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), s. 75\(2\)\(a\)](#); S.I. 2002/2306, [art. 2\(d\)\(vii\)](#); and that definition ceased to have effect (1.7.2004) by virtue of [Railways and Transport Safety Act 2003 \(c. 20\), ss. 73, 120\(1\), Sch. 5 para. 4\(1\)\(b\)\(2\)\(j\)](#); S.I. 2004/1572, [art. 3\(jjj\)](#)

**F111** S. 16(5): definition of "policed premises" repealed (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\), art. 12\(5\)\(d\)](#)

**F112** S. 16(5): words in definition of "public place" substituted (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 112\(1\), 116\(6\)\(a\), Sch. 7 para. 134\(3\)](#)

**F113** S. 16(5): definition of "relevant school" inserted (1.9.2007 for E. and 31.10.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\), ss. 108\(5\)](#), 188(3); S.I. 2007/1801, [art. 3\(e\)](#); S.I. 2010/2543, [art. 2\(j\)](#)

### Modifications etc. (not altering text)

**C15** S. 16 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\), ss. 73\(1\), 120\(1\), Sch. 5 para. 4\(1\)\(a\)\(2\)\(j\)](#); S.I. 2004/1572, [art. 3\(jjj\)](#)

### Marginal Citations

**M5** 1996 c.56.

*Status: Point in time view as at 25/05/2018.*

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*Miscellaneous and supplemental*

**17 Duty to consider crime and disorder implications.**

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

- [<sup>F114</sup>(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- (b) the misuse of drugs, alcohol and other substances in its area][<sup>F115</sup>; and
- (c) re-offending in its area]

[<sup>F116</sup>(2) This section applies to each of the following—

- a local authority;
- a joint authority;
- [<sup>F117</sup>a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;]
- [<sup>F118</sup>the London Fire Commissioner;]
- a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- [<sup>F119</sup>a fire and rescue authority created by an order under section 4A of that Act;]
- a metropolitan county fire authority;
- [<sup>F120</sup>a local policing body];
- a National Park authority;
- the Broads Authority;
- [<sup>F121</sup>the Greater London Authority;
- <sup>F122</sup> ...
- Transport for London.]]

(3) In this section—

“local authority” means a local authority within the meaning given by section 270(1) of the <sup>M6</sup>Local Government Act 1972 or the Common Council of the City of London;

“joint authority” has the same meaning as in the <sup>M7</sup>Local Government Act 1985;

“National Park authority” means an authority established under section 63 of the <sup>M8</sup>Environment Act 1995.

[<sup>F123</sup>(4) The appropriate national authority may by order amend this section by—

- (a) adding an entry for any person or body to the list of authorities in subsection (2),
- (b) altering or repealing any entry for the time being included in the list, or
- (c) adding, altering or repealing provisions for the interpretation of entries in the list.

(5) In subsection (4) “the appropriate national authority” has the same meaning as in section 5.]

*Status: Point in time view as at 25/05/2018.*

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### Textual Amendments

- F114** S. 17(1)(a)(b) substituted for words in s. 17(1) (1.8.2007 for E. and 19.11.2007 for W.) by [Police and Justice Act 2006 \(c. 48\), ss. 22, 53\(1\)\(a\), Sch. 9 para. 4\(2\)](#); S.I. 2007/1614, [art 3\(b\)](#); S.I. 2007/3073, [art. 2\(a\)](#)
- F115** S. 17(1)(c) and preceding word inserted (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 108\(6\), 116\(1\)](#); S.I. 2010/507, [art. 5\(p\)](#)
- F116** S. 17(2) substituted (1.8.2007 for E. and 19.11.2007 for W.) by [Police and Justice Act 2006 \(c. 48\), ss. 22, 53\(1\)\(a\), Sch. 9 para. 4\(3\)](#); S.I. 2007/1614, [art 3\(b\)](#); S.I. 2007/3073, [art. 2\(a\)](#)
- F117** Words in s. 17(2) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), ss. 119, 148\(6\), Sch. 6 para. 90](#); S.I. 2009/3318, [art. 2\(b\)\(c\)](#)
- F118** Words in s. 17(2) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 2 para. 105](#); S.I. 2018/227, [reg. 4\(c\)](#)
- F119** Words in s. 17(2) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 1 para. 79](#); S.I. 2017/399, [reg. 2, Sch. para. 38](#)
- F120** Words in s. 17(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 99, 157\(1\), Sch. 16 para. 233](#); S.I. 2011/3019, [art. 3](#), [Sch. 1 para. \(nnn\)\(iii\)](#)
- F121** Words in s. 17(2) inserted (15.2.2008) by [The Crime and Disorder Act 1998 \(Additional Authorities\) Order 2008 \(S.I. 2008/78\), art. 2](#)
- F122** Words in s. 17(2) repealed (31.3.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 25 Pt. 32](#); S.I. 2012/628, [art. 4\(d\)](#)
- F123** S. 17(4)(5) inserted (1.8.2007 for E. and 19.11.2007 for W.) by [Police and Justice Act 2006 \(c. 48\), ss. 22, 53\(1\)\(a\), Sch. 9 para. 4\(4\)](#); S.I. 2007/1614, [art 3\(b\)](#); S.I. 2007/3073, [art. 2\(a\)](#)

### Commencement Information

- I8** S. 17 wholly in force; S. 17 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](#))

### Marginal Citations

- M6** 1972 c.70.  
**M7** 1985 c.51.  
**M8** 1995 c.25.

## [<sup>F124</sup>17A Sharing of information

- (1) A relevant authority is under a duty to disclose to all other relevant authorities any information held by the authority which is of a prescribed description, at such intervals and in such form as may be prescribed.
- (2) In subsection (1) “prescribed” means prescribed in regulations made by the Secretary of State.
- (3) The Secretary of State may only prescribe descriptions of information which appears to him to be of potential relevance in relation to the reduction of crime and disorder in any area of England and Wales (including anti-social or other behaviour adversely affecting the local environment in that area).
- (4) Nothing in this section requires a relevant authority to disclose any personal data [<sup>F125</sup>(within the meaning of Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2) and (14) of that Act))].

*Status: Point in time view as at 25/05/2018.*

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- (5) In this section “relevant authority” means an authority in England and Wales which is for the time being a relevant authority for the purposes of section 115.]

#### Textual Amendments

- F124** S. 17A inserted (1.8.2007 for E. and 19.11.2007 for W.) by **Police and Justice Act 2006 (c. 48)**, ss. 22, 53(1)(a), **Sch. 9 para. 5**; S.I. 2007/1614, **art 3(b)**; S.I. 2007/3073, **art. 2(a)**
- F125** Words in s. 17A(4) substituted (25.5.2018) by **Data Protection Act 2018 (c. 12)**, s. 212(1), **Sch. 19 para. 45** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

## 18 Interpretation etc. of Chapter I.

- (1) In this Chapter—

**F126**  
 ...

“chief officer of police” has the meaning given by section 101(1) of the <sup>M9</sup>Police Act 1996;

“child safety order” has the meaning given by section 11(1) above;

**F127**  
 .....

**F126**  
 ...

**F127**  
 .....

[<sup>F128</sup>“local policing body” has the meaning given by section 101(1) of the Police Act 1996;]

[<sup>F129</sup>“parental compensation order” has the meaning given by section 13A(1) above;]

“parenting order” has the meaning given by section 8(4) above;

“police area” has the meaning given by section 1(2) of the <sup>M10</sup>Police Act 1996;

**F130**  
 ...

“responsible officer”—

(za) <sup>F131</sup> ...

(a) in relation to a parenting order, has the meaning given by section 8(8) above;

(b) in relation to a child safety order, has the meaning given by section 11(8) above;

[<sup>F132</sup>“serious harm” shall be construed in accordance with section 224 of the Criminal Justice Act 2003;]

**F133**  
 .....

- (2) <sup>F134</sup> .....

- (3) Where directions under a parenting order are to be given by [<sup>F135</sup>an officer of a local probation board], [<sup>F135</sup>the officer of a local probation board] shall be an officer appointed for or assigned to the [<sup>F136</sup>local justice area] within which it appears to the court that the child or, as the case may be, the parent resides or will reside.

- [<sup>F137</sup>(3A) Where directions under a parenting order are to be given by an officer of a provider of probation services, the officer of a provider of probation services shall be an officer acting in the local justice area within which it appears to the court that the child or, as the case may be, the parent resides or will reside.]



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- (4) Where the supervision under a child safety order is to be provided, or directions under <sup>F138</sup>... a parenting order are to be given, by—
- (a) a social worker of a local authority <sup>F139</sup>. . . ; or
  - (b) a member of a youth offending team,
- the social worker or member shall be a social worker of, or a member of a youth offending team established by, the local authority within whose area it appears to the court that [<sup>F140</sup> the child or, as the case may be, the parent ], resides or will reside.
- (5) For the purposes of this Chapter the Inner Temple and the Middle Temple form part of the City of London.

### Textual Amendments

- F126** Words in s. 18(1) omitted (23.3.2015) by virtue of **Anti-social Behaviour, Crime and Policing Act 2014** (c. 12), s. 185(1), **Sch. 11 para. 27(2)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(vii)
- F127** S. 18(1): definitions of "curfew notice" and "local child curfew scheme" repealed (12.1.2010) by **Policing and Crime Act 2009** (c. 26), ss. 112(2), 116(6)(b), **Sch. 8 Pt. 13**
- F128** S. 18(1): definition of "local policing body" inserted (16.1.2012) by **Police Reform and Social Responsibility Act 2011** (c. 13), ss. 99, 157(1), **Sch. 16 para. 234(2)**; S.I. 2011/3019, art. 3, Sch. 1 para. (nnn)(iii)
- F129** S. 18(1): definition of "parental compensation order" inserted (20.7.2006 in relation to specified areas) by **Serious Organised Crime and Police Act 2005** (c. 15), ss. 144, 178(8), **Sch. 10 para. 4**; S.I. 2006/1871, art. 2, Sch. (as amended by S.I. 2006/2182, art. 3)
- F130** Definition in s. 18(1) omitted (22.11.2012) by virtue of **Police Reform and Social Responsibility Act 2011** (c. 13), s. 157(1), **Sch. 16 para. 234(3)**; S.I. 2012/2892, art. 2(i)
- F131** Words in s. 18(1) omitted (23.3.2015) by virtue of **Anti-social Behaviour, Crime and Policing Act 2014** (c. 12), s. 185(1), **Sch. 11 para. 27(2)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(vii)
- F132** S. 18(1): definition of "serious harm" inserted (4.4.2005) by **Criminal Justice Act 2003** (c. 44), ss. 304, 336(3), **Sch. 32 para. 88(a)**; S.I. 2005/950, art. 2, Sch. 1 para. 42(33) (with Sch. 2)
- F133** S. 18(1): definition of "sex offender order" repealed (8.11.2006) by **Violent Crime Reduction Act 2006** (c. 38), ss. 60(3), 65, 66(2)(d), **Sch. 5**
- F134** S. 18(2) repealed (4.4.2005) by **Criminal Justice Act 2003** (c. 44), ss. 304, 332, 336(3), Sch. 32 para. 88(b), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2, Sch. 1 paras. 42(33), 44(4)(p) (with Sch. 2)
- F135** Words in s. 18(3) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. 1 para. 4**; S.I. 2001/919, art. 2(f)(i)
- F136** Words in s. 18(3) substituted (1.4.2005) by **The Courts Act 2003 (Consequential Provisions) Order 2005** (S.I. 2005/886), art. 2, **Sch. para. 58**
- F137** S. 18(3A) inserted (1.4.2008) by **The Offender Management Act 2007 (Consequential Amendments) Order 2008** (S.I. 2008/912), art. 3, **Sch. 1 para. 13(5)**
- F138** Words in s. 18(4) omitted (23.3.2015) by virtue of **Anti-social Behaviour, Crime and Policing Act 2014** (c. 12), s. 185(1), **Sch. 11 para. 27(3)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(vii)
- F139** Words in s. 18(4)(a) repealed (1.4.2005 for E. and 1.4.2006 for W.) by **Children Act 2004** (c. 31), ss. 64, 67(8), **Sch. 5 Pt. 4**, Note; S.I. 2005/394, art. 2(2)(g); S.I. 2006/885, art. 2(2)(h)
- F140** Words in s. 18(4) substituted (23.3.2015) by **Anti-social Behaviour, Crime and Policing Act 2014** (c. 12), s. 185(1), **Sch. 11 para. 27(3)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(vii)

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

- C16** S. 18(3)(4) applied (27.2.2004) by Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), **Sch. 1 para. 9D(7)** (as inserted by Crime and Disorder Act 2003 (c. 44), ss. 324, 336(3), **Sch. 34 para. 6**; S.I. 2004/81, **art. 5(2)(d)**)

#### Commencement Information

- I9** S. 18 wholly in force; s. 18 not in force at Royal Assent see s. 121; In force at 30.9.1998 by 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

#### Marginal Citations

- M9** 1996 c.16.  
**M10** 1996 c.16.

## CHAPTER II

### SCOTLAND

#### 19 Anti-social behaviour orders.

**F141** .....

#### Textual Amendments

- F141** S. 19 repealed (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 144(2), 145(2), **sch. 5**; S.S.I. 2004/420, **art. 3**, sch. 1 (with art. 4)

#### 20 Sex offender orders.

**F142** .....

#### Textual Amendments

- F142** S. 20 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 139, 140, 141(1), Sch. 6 para. 38(4), **Sch. 7**; S.I. 2004/874, **art. 2**

#### 21 Procedural provisions with respect to orders.

**F143** .....

#### Textual Amendments

- F143** S. 21 repealed (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 144(2), 145(2), **sch. 5**; S.S.I. 2004/420, **art. 3**, sch. 1 (with art. 4)

#### [<sup>F144</sup>21A Sex offender orders made in England and Wales or Northern Ireland

**F145** .....]

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**Textual Amendments**

- F144 S. 21A inserted (1.10.2002) by Police Reform Act 2002 (c. 30), s. 71; S.I. 2002/420, art. 2
- F145 S. 21A repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 139, 140, 141(1), Sch. 6 para. 38(6), Sch. 7; S.I. 2004/874, art. 2

**22 Offences in connection with breach of orders.**

F146 .....

**Textual Amendments**

- F146 S. 22 repealed (28.10.2004) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 144(2), 145(2), Sch. 5; S.S.I. 2004/420, art. 3, sch. 1 (with art. 4)

[<sup>F147</sup>**22A Anti-social behaviour strategies**

F148 .....]

**Textual Amendments**

- F147 S. 22A inserted (prosp.) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 83, 89
- F148 S. 22A repealed (28.10.2004) (never in force) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 144(2), 145(2), Sch. 5; S.S.I. 2004/420, art. 3, sch. 1 (with art. 4)

**23 Anti-social behaviour as ground of eviction.**

- (1) <sup>F149</sup> .....
- (2) <sup>F149</sup> .....
- (3) <sup>F149</sup> .....

(4) For Ground 15 in Schedule 5 to the <sup>M11</sup>Housing (Scotland) Act 1988 (eviction on ground of use of premises for immoral or illegal purposes etc.) there shall be substituted the following—

**Ground 15**

The tenant, a person residing or lodging in the house with the tenant or a person visiting the house has—

- (a) been convicted of—
  - (i) using or allowing the house to be used for immoral or illegal purposes;  
or
  - (ii) an offence punishable by imprisonment committed in, or in the locality of, the house; or
- (b) acted in an anti-social manner in relation to a person residing, visiting or otherwise engaging in lawful activity in the locality; or
- (c) pursued a course of anti-social conduct in relation to such a person as is mentioned in head (b) above.

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In this Ground “anti-social”, in relation to an action or course of conduct, means causing or likely to cause alarm, distress, nuisance or annoyance, “conduct” includes speech and a course of conduct must involve conduct on at least two occasions and “tenant” includes any one of joint tenants.”

- (5) No person shall be liable to eviction under paragraph 2 or 7 of Schedule 3 to the <sup>M12</sup>Housing (Scotland) Act 1987 or Ground 15 in Schedule 5 to the <sup>M13</sup>Housing (Scotland) Act 1988 as substituted respectively by subsection (2), (3) and (4) above in respect of any act or conduct before the commencement of this section unless he would have been liable to be evicted under those paragraphs or, as the case may be, that Ground as they had effect before that substitution.

#### Textual Amendments

**F149** S. 23(1)-(3) repealed (30.9.2002) by [The Housing \(Scotland\) Act 2001 \(asp 10\)](#), s. 112, Sch. 10 para. 27; S.S.I. 2002/321, [art. 2](#), Sch. (with arts. 3-5)

#### Marginal Citations

**M11** 1988 c.43.  
**M12** 1987 c.26.  
**M13** 1988 c.43.

## 24 Noise-making equipment: police power of seizure.

- (1) The <sup>M14</sup>Civic Government (Scotland) Act 1982 shall be amended in accordance with this section.
- (2) In section 54 (offence of playing instruments, etc.), after subsection (2) there shall be inserted the following subsections—
- “(2A) Where a constable reasonably suspects that an offence under subsection (1) above has been committed in relation to a musical instrument or in relation to such a device as is mentioned in paragraph (c) of that subsection, he may enter any premises on which he reasonably suspects that instrument or device to be and seize any such instrument or device he finds there.
- (2B) A constable may use reasonable force in the exercise of the power conferred by subsection (2A) above.
- (2C) Schedule 2A to this Act (which makes provision in relation to the retention and disposal of property seized under subsection (2A) above) shall have effect.”
- (3) In section 60 (powers of search and seizure)—
- (a) in subsection (5)—
- (i) after the words “Nothing in” there shall be inserted the words “section 54(2A) of this Act or ”; and
- (ii) for the words from “which” to the end there shall be substituted the words “ which is otherwise exercisable by a constable ”; and
- (b) in subsection (6)—
- (i) in paragraph (a), for the words from “in pursuance” to the word “vessel” there shall be substituted the words—

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“to enter and search—

- (i) any premises in pursuance of section 54(2A) of this Act or of subsection (1) above; or
  - (ii) any vehicle or vessel in pursuance of the said subsection (1),”; and
- (ii) in paragraph (c), after “under” there shall be inserted the words “section 54(2A) of this Act or ”.

(4) After Schedule 2 there shall be inserted the Schedule set out in Schedule 1 to this Act.

#### Marginal Citations

M14 1982 c.45.

### CHAPTER III

#### GREAT BRITAIN

#### 25 Powers to require removal of masks etc.

[<sup>F150</sup>(1) After subsection (4) of section 60 (powers to stop and search in anticipation of violence) of the <sup>M15</sup>Criminal Justice and Public Order Act 1994 (“the 1994 Act”) there shall be inserted the following subsection—

“(4A) This section also confers on any constable in uniform power—

- (a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;
- (b) to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.”]

(2) In subsection (5) of that section, for the words “those powers” there shall be substituted the words “the powers conferred by subsection (4) above ”.

(3) In subsection (8) of that section, for the words “to stop or (as the case may be) to stop the vehicle” there shall be substituted the following paragraphs—

- “(a) to stop, or to stop a vehicle; or
- (b) to remove an item worn by him.”.

#### Textual Amendments

**F150** S. 25(1) repealed (E.W.) (14.12.2001) by 2001 c. 24, ss. 125, 127(2)(i), Sch. 8 Pt. 6

#### Commencement Information

**I10** S. 25 wholly in force at 1.3.1999; S. 25 not in force at Royal Assent, see s. 121; S. 25 expressed to be in force at 1.12.1998 by S.I. 1998/2327, art. 4(1) (which entry relating to the commencement of s. 25 omitted (30.8.1998) by virtue of S.I. 1998/2906, art. 2); S. 25 in force at 1.3.1999 by S.I. 1998/3263, art. 4

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#### Marginal Citations

M15 1994 c.33.

## 26 Retention and disposal of things seized.

After section 60 of the 1994 Act there shall be inserted the following section—

### “60A Retention and disposal of things seized under section 60.

- (1) Any things seized by a constable under section 60 may be retained in accordance with regulations made by the Secretary of State under this section.
- (2) The Secretary of State may make regulations regulating the retention and safe keeping, and the disposal and destruction in prescribed circumstances, of such things.
- (3) Regulations under this section may make different provisions for different classes of things or for different circumstances.
- (4) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### Commencement Information

I11 S. 26 wholly in force at 1.3.1999; S. 26 not in force at Royal Assent, see s. 121; S. 26 in force at 1.12.1998 for the purpose of making regulations under s. 60A of the Criminal Justice and Public Order Act 1994 by S.I. 1998/2327, art. 4(1) (as amended by 1998/2906, art. 2(3)); S. 26 in force at 1.3.1999 by S.I. 1998/3263, art. 4

## 27 Power of arrest for failure to comply with requirement.

(1) <sup>F151</sup> .....

(2) After section 60A of the 1994 Act there shall be inserted the following section—

### “60B Arrest without warrant for offences under section 60: Scotland.

In Scotland, where a constable reasonably believes that a person has committed or is committing an offence under section 60(8) he may arrest that person without warrant.”

#### Textual Amendments

F151 S. 27(1) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174(2), 178(8), Sch. 17 Pt. 2; S.I. 2005/3495 art. 2(1)(u)(xlii)

#### Commencement Information

I12 S. 27 wholly in force at 1.3.1999; S. 27 not in force at Royal Assent, see s. 121; S. 27 expressed to be in force at 1.12.1998 by S.I. 1998/2327, art. 4(1) (which entry relating to the commencement of s. 27

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omitted (30.8.1998) by virtue of 1998/2906, art. 2(2)); [S. 27](#) in force at 1.3.1999 by [S.I. 1998/3263](#), [art. 4](#)

**Status:**

Point in time view as at 25/05/2018.

**Changes to legislation:**

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