



Crime and Disorder Act 1998

1998 CHAPTER 37

PART I

PREVENTION OF CRIME AND DISORDER

CHAPTER I

ENGLAND AND WALES

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 [^{F1}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];
 - [^{F2}(aa) a parental compensation order is made in relation to a child's behaviour;][^{F3}or]
 - (b) [^{F4}an injunction is granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 [^{F5}or a criminal behaviour order or]][^{F6}sexual harm prevention order] is made in respect of a child or young person;
 - ^{F7}(c)
 - ^{F7}(d)
- (2) Subject to subsection (3) and section 9(1) below ^{F8}... , 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 ^{F9}... (“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

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which it appears to the court that the parent resides or will reside and the notice has not been withdrawn.

[^{F10}(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) [^{F11}, (aa)] or (b) of subsection (1) above, any repetition of the kind of behaviour which led to [^{F12} the order being made or the injunction granted]

^{F13}(b)

^{F13}(c)

(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^{F14}....

[^{F15}(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) [^{F16}an officer of a local probation board][^{F17}or an officer of a provider of probation services];
- (b) a social worker of a local authority ^{F18}. . . ; and
- [^{F19}(bb) a person nominated by [^{F20}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 ^{M1}Education Act 1996]
- (c) a member of a youth offending team.

[^{F21}(9) In this section—

“criminal behaviour order” has the meaning given by section 330 of the Sentencing Code;

“sexual harm prevention order” means an order under section 103A of the Sexual Offences Act 2003 or Chapter 2 of Part 11 of the Sentencing Code.]

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Textual Amendments

- F1** 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)**
- F2** 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)
- F3** Word in s. 8(1)(aa) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 152(2)(a)** (with **Sch. 24 para. 447**, **Sch. 27**); S.I. 2020/1236, reg. 2
- F4** 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)
- F5** Words in s. 8(1)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 152(2)(b)** (with **Sch. 24 para. 447**, **Sch. 27**); S.I. 2020/1236, reg. 2
- F6** 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)
- F7** S. 8(1)(c)(d) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2
- F8** 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))
- F9** Words in s. 8(2) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2
- F10** 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)**
- F11** 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)
- F12** 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)
- F13** S. 8(6)(b)(c) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2
- F14** Words in s. 8(7) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), **Sch. 27**); S.I. 2020/1236, reg. 2
- F15** 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)**
- F16** 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)**
- F17** 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)**
- F18** 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)**
- F19** S. 8(8)(bb) inserted (1.4.2001) by 2000 c. 43, s. 73; S.I. 2001/919, **art. 2(d)**
- F20** 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**
- F21** S. 8(9) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 152(3)** (with **Sch. 24 para. 447**, **Sch. 27**); S.I. 2020/1236, reg. 2

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Modifications etc. (not altering text)

- C1** 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**)
- C2** S. 8 modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), **ss. 1, 5(2)(3)**; S.I. 2012/1236, **reg. 2**
- C3** 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

- I1** 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**)

Marginal Citations

- M1** 1996 c. 56.

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Changes and effects yet to be applied to :

- s. 8(1)(c) words inserted by [2010 c. 17 s. 41\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8(1)(c) words omitted by [2014 c. 12 Sch. 11 para. 25\(3\)](#)
- s. 8(6)(a) words substituted by [2014 c. 12 Sch. 11 para. 55\(2\)\(b\)](#)

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

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

- s. 1(1C) inserted by [2010 c. 17 s. 40\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 40 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A inserted by [2010 c. 17 s. 41\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A repealed by [2014 c. 12 Sch. 11 para. 24\(c\)](#)
- s. 9(2)(d) and word inserted by [2010 c. 17 s. 41\(4\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2)(d) and word omitted by [2014 c. 12 Sch. 11 para. 26\(4\)\(a\)](#)
- s. 9(2AA) inserted by [2010 c. 17 s. 41\(4\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2AA) repealed by [2014 c. 12 Sch. 11 para. 26\(5\)](#)
- s. 41(5)(i)(ii) words substituted by [2021 c. 11 Sch. 13 para. 37\(3\)](#)
- s. 47(A1) inserted by [2022 c. 35 s. 12\(2\)](#)
- s. 47(1)-(1F) substituted for s. 47(1) by [2022 c. 35 s. 12\(3\)](#)
- s. 47(4)(a) word substituted by [2022 c. 35 s. 12\(6\)\(b\)](#)
- s. 47(4)(a) words renumbered as s. 47(4)(a) by [2022 c. 35 s. 12\(6\)\(a\)](#)
- s. 47(4)(b) and word inserted by [2022 c. 35 s. 12\(6\)\(c\)](#)
- s. 47(4A) inserted by [2022 c. 35 s. 12\(7\)](#)
- s. 50A(6) inserted by [2022 c. 35 Sch. 2 para. 8\(2\)\(b\)](#)
- s. 51(2A)-(2E) inserted by [2022 c. 35 s. 10\(4\)](#)
- s. 51(3A)(3B) substituted for s. 51(3)-(12) by [2022 c. 35 s. 10\(5\)](#)
- s. 51A(A1) inserted by [2022 c. 35 s. 10\(7\)](#)
- s. 51A(3A)-(3E) inserted by [2022 c. 35 s. 10\(9\)](#)
- s. 51A(4A)(4B) substituted for s. 51A(4)-(10) by [2022 c. 35 s. 10\(10\)](#)
- s. 52(2A) inserted by [2022 c. 35 s. 10\(11\)](#)
- Sch. 3 para. 3(11A) inserted by [2003 c. 44 Sch. 3 para. 71\(d\)](#)