

# ANTI-SOCIAL BEHAVIOUR ACT 2003

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3: Parental Responsibilities**

##### *Section 21: Parenting orders: supplemental*

61. This section relates to the process of making a parenting order under the previous section. *Subsection (1)* prescribes some of the things a court must take into account in deciding whether to make a parenting order; these include any previous refusal by the parent to sign a parenting contract, or any failure to comply with a contract which they have signed. *Subsection (2)* requires the court to obtain and consider information about a pupil's family circumstances and the effect on an order on those circumstances before making an order.
62. *Subsection (3)* applies section 9(3) to (7) of the Crime and Disorder Act 1998 (the Act that established parenting orders) to these parenting orders. These provisions:
  - require the court to explain to the parent the effect of the order and the consequences of breaching it;
  - specify that, as far as practical, the requirements in the order and directions given under it should not conflict with a parent's religious beliefs or interfere with a parent's work or education;
  - enable the court to discharge or vary the order; and
  - make parents convicted of failing to comply with requirements in or directions given under an order liable to a fine.
63. *Subsection (4)* enables regulations to be made by the Secretary of State for Education and Skills for England and the National Assembly for Wales to make provision as to how the costs associated with the requirements of a parenting order (including counselling or guidance sessions) should be met. *Subsection (5)* allows the Secretary of State for Education and Skills for England and the National Assembly for Wales to issue guidance which local education authorities and responsible officers would have to take into account in deciding whether to apply for a parenting order and what counselling or guidance sessions should be specified.