



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### PART 3

#### PARENTAL RESPONSIBILITIES

##### *Criminal conduct and anti-social behaviour*

- 25 Parenting contracts in respect of criminal conduct and anti-social behaviour [F1: youth offending teams]**
- (1) This section applies where a child or young person has been referred to a youth offending team.
  - (2) The youth offending team may enter into a parenting contract with a parent of the child or young person if a member of that team has reason to believe that the child or young person has engaged, or is likely to engage, in criminal conduct or anti-social behaviour.
  - (3) A parenting contract is a document which contains—
    - (a) a statement by the parent that he agrees to comply with such requirements as may be specified in the document for such period as may be so specified, and
    - (b) a statement by the youth offending team that it agrees to provide support to the parent for the purpose of complying with those requirements.
  - (4) The requirements mentioned in subsection (3)(a) may include (in particular) a requirement to attend a counselling or guidance programme.
  - (5) The purpose of the requirements mentioned in subsection (3)(a) is to prevent the child or young person from engaging in criminal conduct or anti-social behaviour or further criminal conduct or further anti-social behaviour.
  - (6) A parenting contract must be signed by the parent and signed on behalf of the youth offending team.

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*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Cross Heading: Criminal conduct and anti-social behaviour. (See end of Document for details)*

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- (7) A parenting contract does not create any obligations in respect of whose breach any liability arises in contract or in tort.
- (8) Youth offending teams must, in carrying out their functions in relation to parenting contracts, have regard to any guidance which is issued by the Secretary of State from time to time for that purpose.

**Annotations:**

**Amendments (Textual)**

- F1** Words in s. 25 heading inserted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 14 para. 53](#); [S.I. 2007/1614](#), art. 3(d)

**Commencement Information**

- I1** S. 25 in force at 27.2.2004 by [S.I. 2003/3300](#), art. 3(a)(iii)

**[<sup>F2</sup>25A Parenting contracts in respect of anti-social behaviour: local authorities**

- (1) A local authority may enter into a parenting contract with a parent of a child or young person if—
  - (a) the local authority has reason to believe that the child or young person has engaged, or is likely to engage, in anti-social behaviour, and
  - (b) the child or young person resides, or appears to reside, in the local authority's area.
- (2) A parenting contract is a document which contains—
  - (a) a statement by the parent that he agrees to comply with such requirements as may be specified in the document for such period as may be so specified, and
  - (b) a statement by the local authority that it agrees to provide support to the parent for the purpose of complying with those requirements.
- (3) The requirements mentioned in subsection (2)(a) may include (in particular) a requirement to attend a counselling or guidance programme.
- (4) The purpose of the requirements mentioned in subsection (2)(a) is to prevent the child or young person from engaging in anti-social behaviour or further anti-social behaviour.
- (5) A parenting contract must be signed by the parent and signed on behalf of the local authority.
- (6) A parenting contract does not create any obligations in respect of whose breach any liability arises in contract or in tort.
- (7) In carrying out their functions in relation to parenting contracts—
  - (a) local authorities in England shall have regard to any guidance which is issued by the Secretary of State from time to time for that purpose;
  - (b) local authorities in Wales shall have regard to any guidance which is issued by the National Assembly for Wales from time to time for that purpose.

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**Annotations:**

**Amendments (Textual)**

**F2** Ss. 25A, 25B inserted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 23\(1\), 53\(1\)](#); [S.I. 2007/1614](#), [art. 3\(a\)](#)

**25B Parenting contracts in respect of anti-social behaviour: [<sup>F3</sup>relevant housing providers]**

- (1) A [<sup>F4</sup>relevant housing provider] may enter into a parenting contract with a parent of a child or young person if—
- (a) the [<sup>F4</sup>relevant housing provider] has reason to believe that the child or young person—
    - (i) has engaged in anti-social behaviour, or
    - (ii) is likely to engage in such behaviour,and
  - (b) that behaviour directly or indirectly relates to or affects the housing management functions of the [<sup>F4</sup>relevant housing provider] (or, where paragraph (a)(ii) applies, would do so if the behaviour were engaged in).

[<sup>F5</sup>(1A) “Relevant housing provider” means—

- (a) a non-profit registered provider of social housing, or
  - (b) a registered social landlord.]
- (2) A parenting contract is a document which contains—
- (a) a statement by the parent that he agrees to comply with such requirements as may be specified in the document for such period as may be so specified, and
  - (b) a statement by the [<sup>F6</sup>relevant housing provider] that it agrees to make arrangements for the provision of support to the parent for the purpose of complying with those requirements.
- (3) The requirements mentioned in subsection (2)(a) may include (in particular) a requirement to attend a counselling or guidance programme.
- (4) The purpose of the requirements mentioned in subsection (2)(a) is to prevent the child or young person from engaging in anti-social behaviour or further anti-social behaviour.
- (5) A parenting contract must be signed by the parent and signed on behalf of the [<sup>F7</sup>relevant housing provider] .
- (6) A parenting contract does not create any obligations in respect of whose breach any liability arises in contract or in tort.
- (7) In carrying out their functions in relation to parenting contracts—
- [<sup>F8</sup>(a) non-profit registered providers of social housing shall have regard to any guidance which is issued by the Secretary of State from time to time for that purpose;]
  - (b) registered social landlords on the register maintained by the National Assembly for Wales shall have regard to any guidance which is issued by the Assembly from time to time for that purpose.]

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**Annotations:**

**Amendments (Textual)**

- F2** Ss. 25A, 25B inserted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 23(1)**, 53(1); S.I. 2007/1614, art. 3(a)
- F3** Words in s. 25B substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 121(5)** (with art. 6, Sch. 3)
- F4** Words in s. 25B(1) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 121(2)** (with art. 6, Sch. 3)
- F5** S. 25B(1A) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 121(3)** (with art. 6, Sch. 3)
- F6** Words in s. 25B(2) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 121(2)** (with art. 6, Sch. 3)
- F7** Words in s. 25B(5) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 121(2)** (with art. 6, Sch. 3)
- F8** S. 25B(7)(a) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 121(4)** (with art. 6, Sch. 3)

**26 Parenting orders in respect of criminal conduct and anti-social behaviour [F9: youth offending teams]**

- (1) This section applies where a child or young person has been referred to a youth offending team.
- (2) A member of the youth offending team may apply to a magistrates' court for a parenting order in respect of a parent of the child or young person.
- (3) If such an application is made, the court may make a parenting order in respect of a parent of the child or young person if it is satisfied—
  - (a) that the child or young person has engaged in criminal conduct or anti-social behaviour, and
  - (b) that making the order would be desirable in the interests of preventing the child or young person from engaging in further criminal conduct or further anti-social behaviour.
- (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), 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 under this section may, but need not, include a requirement mentioned in subsection (4)(b) 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) A counselling or guidance programme which a parent is required to attend by virtue of subsection (4)(b) may be or include a residential course but only if the court is satisfied that the following two conditions are fulfilled.
- (7) The first condition is 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 the

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child or young person from engaging in further criminal conduct or further anti-social behaviour.

- (8) The second condition is 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.

[<sup>F10</sup>(9) A person is eligible to be the responsible officer in relation to a parenting order under this section only if he is a member of a youth offending team.]

**Annotations:**

**Amendments (Textual)**

- F9** Words in s. 26 heading inserted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 14 para. 54\(2\)](#); [S.I. 2007/1614](#), art. 3(d)
- F10** S. 26(9) inserted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 14 para. 54\(3\)](#); [S.I. 2007/1614](#), art. 3(d)

**Commencement Information**

- I2** S. 26 in force at 27.2.2004 by [S.I. 2003/3300](#), [art. 3\(a\)\(iii\)](#)

**[<sup>F11</sup>26A Parenting orders in respect of anti-social behaviour: local authorities**

- (1) A local authority may apply for a parenting order in respect of a parent of a child or young person if—
- the local authority has reason to believe that the child or young person has engaged in anti-social behaviour, and
  - the child or young person resides, or appears to reside, in the local authority's area.

An application for such an order may be made to a magistrates' court or, where section 26C so allows, to [<sup>F12</sup>the county court] .

- (2) If such an application is made, the court may make a parenting order in respect of a parent of the child or young person if it is satisfied—
- that the child or young person has engaged in anti-social behaviour, and
  - that making the order would be desirable in the interests of preventing the child or young person from engaging in further anti-social behaviour.
- (3) A parenting order is an order which requires the parent—
- to comply, for a period not exceeding twelve months, with such requirements as are specified in the order, and
  - subject to subsection (4), 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.
- (4) A parenting order under this section may, but need not, include a requirement mentioned in subsection (3)(b) 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.
- (5) A counselling or guidance programme which a parent is required to attend by virtue of subsection (3)(b) may be or include a residential course but only if the court is satisfied that the following two conditions are fulfilled.

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- (6) The first condition is 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 the child or young person from engaging in further anti-social behaviour.
- (7) The second condition is 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) A person is eligible to be the responsible officer in relation to a parenting order under this section only if he is—
  - (a) an officer of the local authority which applied for the order, or
  - (b) a person nominated by that authority or by a person or body requested by the authority to make a nomination.

A person may not be nominated under paragraph (b) without his consent.

**Annotations:**

**Amendments (Textual)**

- F11** Ss. 26A-26C inserted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 24, 53\(1\)](#); [S.I. 2007/1614](#), [art. 3\(a\)](#)
- F12** Words in [ss. 26A-28](#) 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](#))

**26B Parenting orders in respect of anti-social behaviour: [F13 relevant housing providers]**

- (1) A [F14 relevant housing provider] may apply for a parenting order in respect of a parent of a child or young person if—
  - (a) the [F14 relevant housing provider] has reason to believe that the child or young person has engaged in anti-social behaviour, and
  - (b) the behaviour in question directly or indirectly relates to or affects the housing management functions of the [F14 relevant housing provider] .

An application for such an order may be made to a magistrates' court or, where section 26C so allows, to [F12 the county court] .

- (2) If such an application is made, the court may make a parenting order in respect of a parent of the child or young person if it is satisfied—
  - (a) that the child or young person has engaged in anti-social behaviour, and
  - (b) that making the order would be desirable in the interests of preventing the child or young person from engaging in further anti-social behaviour.
- (3) 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 (4), 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.

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- (4) A parenting order under this section may, but need not, include a requirement mentioned in subsection (3)(b) 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.
- (5) A counselling or guidance programme which a parent is required to attend by virtue of subsection (3)(b) may be or include a residential course but only if the court is satisfied that the following two conditions are fulfilled.
- (6) The first condition is 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 the child or young person from engaging in further anti-social behaviour.
- (7) The second condition is 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) A [<sup>F14</sup>relevant housing provider] must not make an application under this section without first consulting the local authority [<sup>F15</sup>(or, if subsection (8A) applies, each local authority)] in whose area the child or young person in question resides or appears to reside.
- [<sup>F16</sup>(8A) This subsection applies if the place where the child or young person resides or appears to reside is within the area of a county council and within the area of a district council.]
- (9) A person is eligible to be the responsible officer in relation to a parenting order under this section only if he is—
- an officer of the [<sup>F14</sup>relevant housing provider] which applied for the order, or
  - a person nominated by that [<sup>F14</sup>relevant housing provider] .
- A person may not be nominated under paragraph (b) without his consent.
- (10) In deciding whom to nominate under subsection (9)(b) a [<sup>F14</sup>relevant housing provider] must take into account the views of—
- the local authority [<sup>F17</sup>(or authorities)] mentioned in subsection (8), and
  - such other persons or bodies as the [<sup>F14</sup>relevant housing provider] thinks appropriate.

#### Annotations:

##### Amendments (Textual)

- F11** Ss. 26A-26C inserted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 24**, 53(1); S.I. 2007/1614, art. 3(a)
- F12** Words in [ss. 26A-28](#) 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)
- F13** Words in s. 26B heading substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 122(3)** (with art. 6, Sch. 3)
- F14** Words in s. 26B substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 122(2)** (with art. 6, Sch. 3)
- F15** Words in s. 26B(8) inserted (1.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 125(3)(a)**, 153(7); S.I. 2009/860, art. 2(1)(b)
- F16** S. 26B(8A) inserted (1.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 125(3)(b)**, 153(7); S.I. 2009/860, art. 2(1)(b)

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**F17** Words in s. 26B(10)(a) inserted (1.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 125\(3\)\(c\), 153\(7\)](#); [S.I. 2009/860](#), art. 2(1)(b)

## 26C Applications under section 26A or 26B in county court proceedings

- (1) Where a local authority or [<sup>F18</sup>relevant housing provider] (a “relevant authority”)—
- (a) is a party to proceedings in [<sup>F12</sup>the county court] , and
  - (b) considers that a party to those proceedings is a person in relation to whom it would be reasonable for it to make an application for a parenting order under section 26A or 26B (a “parenting order application”),
- it may make such an application to that court in relation to that person.
- (2) Where—
- (a) a relevant authority considers that a party to proceedings in [<sup>F12</sup>the county court] is a person in relation to whom it would be reasonable for it to make a parenting order application, but
  - (b) the relevant authority is not a party to those proceedings,
- it may apply to be joined to those proceedings to enable it to make a parenting order application.
- (3) Where—
- (a) there are proceedings in [<sup>F12</sup>the county court] to which a relevant authority is a party, and
  - (b) the relevant authority considers that a child or young person has engaged in anti-social behaviour that is material in relation to the proceedings,
- the relevant authority may apply for a person who is a parent of the child or young person to be joined to the proceedings to enable it to make a parenting order application in relation to him.
- (4) A person must not be joined to proceedings in pursuance of subsection (3) unless the anti-social behaviour in question is material in relation to those proceedings.]

### Annotations:

#### Amendments (Textual)

- F11** Ss. 26A-26C inserted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 24, 53\(1\)](#); [S.I. 2007/1614](#), art. 3(a)
- F12** Words in [ss. 26A-28](#) 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)
- F18** Words in s. 26C(1) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), [Sch. 2 para. 123](#) (with art. 6, Sch. 3)

## 27 Parenting orders: supplemental

- (1) In deciding whether to make a parenting order under [<sup>F19</sup>section 26, 26A or 26B], a court must take into account (amongst other things)—
- (a) any refusal by the parent to enter into a parenting contract under [<sup>F20</sup>section 25, 25A or 25B] in respect of the child or young person, or



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- (b) if the parent has entered into such a parenting contract, any failure by the parent to comply with the requirements specified in the contract.
- (2) Before making a parenting order under [F19]section 26, 26A or 26B] in the case of a child or a young person under the age of 16, a court must obtain and consider information about the child or young person's family circumstances and the likely effect of the order on those circumstances.
- (3) Subsections (3) to (7) of section 9 of the 1998 Act (supplemental provisions about parenting orders) are to apply [F21]in relation to—
- (a) a parenting order under section 26,
  - (b) a parenting order under section 26A, or
  - (c) a parenting order under section 26B,
- as they apply ] in relation to a parenting order under section 8 of that Act.
- [F22(3A) Proceedings for an offence under section 9(7) of the 1998 Act (parenting orders: breach of requirement etc.) as applied by subsection (3)(b) above may be brought by any of the following local authorities—
- (a) the local authority that applied for the order, if the child or young person, or the person alleged to be in breach, resides or appears to reside in that authority's area;
  - (b) the local authority of the child or young person, if that child or young person does not reside or appear to reside in the area of the local authority that applied for the order;
  - (c) the local authority of the person alleged to be in breach, if that person does not reside or appear to reside in the area of the local authority that applied for the order.
- (3B) For the purposes of subsection (3A)(b) and (c)—
- (a) an individual's local authority is the local authority in whose area the individual resides or appears to reside; but
  - (b) if the place where an individual resides or appears to reside is within the area of a county council and within the area of a district council, a reference to that individual's local authority is to be read as a reference to either of those authorities.]
- [F23(4) In carrying out their functions in relation to parenting orders—
- (a) members of youth offending teams,
  - (b) local authorities in England,
  - (c) [F24]private registered providers of social housing,] and
  - (d) responsible officers in relation to parenting orders made on the application of local authorities in England or of [F25]private registered providers of social housing] ,
- must have regard to any guidance which is issued by the Secretary of State from time to time for that purpose.
- (4A) In carrying out their functions in relation to parenting orders—
- (a) local authorities in Wales,
  - (b) [F26]registered social landlords,] and
  - (c) responsible officers in relation to parenting orders made on the application of local authorities in Wales or of [F27]registered social landlords] ,

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must have regard to any guidance which is issued by the National Assembly for Wales from time to time for that purpose.]

#### Annotations:

##### Amendments (Textual)

- F19** Words in s. 27(1)(2) substituted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 14 para. 55\(2\)](#); S.I. 2007/1614, art. 3(d)
- F20** Words in s. 27(1)(a) substituted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 14 para. 55\(3\)](#); S.I. 2007/1614, art. 3(d)
- F21** Words in s. 27(3) substituted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 14 para. 55\(4\)](#); S.I. 2007/1614, art. 3(d)
- F22** S. 27(3A)(3B) substituted for s. 27(3A) (1.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 125\(4\), 153\(7\)](#); S.I. 2009/860, art. 2(1)(b)
- F23** S. 27(4)(4A) substituted for s. 27(4) (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 14 para. 55\(6\)](#); S.I. 2007/1614, art. 3(d)
- F24** S. 27(4)(c) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\), art. 1\(2\), Sch. 2 para. 124\(2\)\(a\)](#) (with art. 6, Sch. 3)
- F25** Words in s. 27(4)(d) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\), art. 1\(2\), Sch. 2 para. 124\(2\)\(b\)](#) (with art. 6, Sch. 3)
- F26** S. 27(4A)(b) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\), art. 1\(2\), Sch. 2 para. 124\(3\)\(a\)](#) (with art. 6, Sch. 3)
- F27** Words in s. 27(4A)(c) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\), art. 1\(2\), Sch. 2 para. 124\(3\)\(b\)](#) (with art. 6, Sch. 3)

##### Commencement Information

- I3** S. 27 in force at 27.2.2004 by [S.I. 2003/3300, art. 3\(a\)\(iii\)](#)

## 28 Parenting orders: appeals

(1) An appeal lies to the Crown Court against the making of a parenting order [<sup>F28</sup>by a magistrates' court under section 26, 26A or 26B].

[<sup>F29</sup>(1A) An appeal lies to the High Court against the making of a parenting order by [<sup>F12</sup>the county court] under section 26A or 26B.]

(2) Subsections (2) and (3) of section 10 of the 1998 Act (appeals against parenting orders) are to apply in relation to an appeal under this section as they apply in relation to an appeal under [<sup>F30</sup>subsection (1)] of that section.

#### Annotations:

##### Amendments (Textual)

- F12** Words in [ss. 26A-28](#) 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)
- F28** Words in s. 28(1) substituted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 14 para. 56\(2\)](#); S.I. 2007/1614, art. 3(d)
- F29** S. 28(1A) inserted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 14 para. 56\(3\)](#); S.I. 2007/1614, art. 3(d)

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**Changes to legislation:** There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Cross Heading: Criminal conduct and anti-social behaviour. (See end of Document for details)

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**F30** Words in s. 28(2) substituted (1.8.2007 for E.) by **Police and Justice Act 2006 (c. 48), s. 53(1), Sch. 14 para. 56(4)**; S.I. 2007/1614, art. 3(d)

**Commencement Information**

**I4** S. 28 in force at 27.2.2004 by **S.I. 2003/3300, art. 3(a)(iii)**

[<sup>F31</sup>**28A Contracting out of local authority functions**

- (1) An order made by—
  - (a) the Secretary of State as regards local authorities in England, or
  - (b) the National Assembly for Wales as regards local authorities in Wales,may provide that a local authority may make arrangements with a person who is specified in the order, or is of a description so specified, for the exercise of any function it has under or by virtue of section 25A or 26A.
- (2) The order may provide—
  - (a) that the power of the local authority to make the arrangements is subject to such conditions as are specified in the order;
  - (b) that the arrangements must be subject to such conditions as are so specified;
  - (c) that the arrangements may be made subject to such other conditions as the local authority thinks appropriate.
- (3) The order may provide that the arrangements may authorise the exercise of the function—
  - (a) either wholly or to such extent as may be specified in the order or arrangements;
  - (b) either generally or in such cases or areas as may be so specified.
- (4) An order under this section may provide that the person with whom arrangements are made in pursuance of the order is to be treated as if he were a public body for the purposes of section 1 of the Local Authorities (Goods and Services) Act 1970.
- (5) The Secretary of State or (as the case may be) the National Assembly for Wales must not make an order under this section without first consulting—
  - (a) such representatives of local government as appear to be appropriate;
  - (b) such other persons as appear to be appropriate.
- (6) Any arrangements made by a local authority in pursuance of an order under this section do not prevent the local authority from exercising the function to which the arrangements relate.
- (7) The following provisions of the Deregulation and Contracting Out Act 1994 apply for the purposes of arrangements made in pursuance of an order under this section as they apply for the purposes of an authorisation to exercise functions by virtue of an order under section 70(2) of that Act—
  - (a) section 72 (effect of contracting out);
  - (b) section 73 (termination of contracting out);
  - (c) section 75 and Schedule 15 (provision relating to disclosure of information);
  - (d) paragraph 3 of Schedule 16 (authorised persons to be treated as officers of local authority).

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- (8) For the purposes of subsection (7), any reference in the provisions specified in paragraphs (a) to (d) to a person authorised to exercise a function is to be construed as a reference to a person with whom an arrangement is made for the exercise of the function in pursuance of an order under this section.
- (9) Local authorities in England and any person with whom they make arrangements in pursuance of an order under this section must have regard to any guidance issued by the Secretary of State for the purposes of this section.
- (10) Local authorities in Wales and any person with whom they make arrangements in pursuance of an order under this section must have regard to any guidance issued by the National Assembly for Wales for the purposes of this section.]

**Annotations:**

**Amendments (Textual)**

**F31** S. 28A inserted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 25, 53(1)**; [S.I. 2007/1614](#), [art. 3\(a\)](#)

## 29 Interpretation and consequential amendment

- (1) In this section and sections 25 to 28—

“anti-social behaviour” means behaviour by a person which causes or is likely to cause harassment, alarm or distress to one or more other persons not of the same household as the person,

“child” has the same meaning as in the 1998 Act,

“criminal conduct” means conduct which—

- (a) constitutes a criminal offence, or
- (b) in the case of conduct by a person under the age of 10, would constitute a criminal offence if that person were not under that age,

“guardian” has the same meaning as in the Children and Young Persons Act 1933 (c. 12),

[<sup>F32</sup> “housing accommodation” has the meaning given by section 153E(9) of the Housing Act 1996; ]

[<sup>F33</sup> “housing management functions”, in relation to a relevant housing provider, include—

- (a) functions conferred by or under any enactment;
- (b) the powers and duties of the relevant housing provider as the holder of an estate or interest in housing accommodation,]

[<sup>F32</sup> “local authority” means—

- (a) a county council in England;
- (aa) [<sup>F34</sup> a district council in England;]
- (d) a London borough council;
- (e) the Common Council of the City of London;
- (f) the Council of the Isles of Scilly;
- (g) a county council or county borough council in Wales;]

“parent” includes guardian,

[<sup>F32</sup> “registered social landlord” means a body registered as such under Chapter 1 of Part 1 of the Housing Act 1996; ]

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[<sup>F35</sup>“relevant housing provider” has the meaning given by section 25B(1A),] “responsible officer”, in relation to a parenting order, means [<sup>F36</sup>the person who is specified as such in the order,] “the 1998 Act” means the Crime and Disorder Act 1998 (c. 37), “young person” has the same meaning as in the 1998 Act, “youth offending team” means a team established under section 39 of the 1998 Act.

(2) In section 38(4) of the 1998 Act (meaning of “youth justice services”) after paragraph (e) insert—

“(ee) the performance by youth offending teams and members of youth offending teams of functions under sections 25 to 27 of the Anti-social Behaviour Act 2003;”.

#### Annotations:

##### Amendments (Textual)

- F32** Words in s. 29(1) inserted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 23(2)**, 53(1); S.I. 2007/1614, art. 3(a)
- F33** Words in s. 29(1) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 125(2)** (with art. 6, Sch. 3)
- F34** In s. 29(1) in the definition of “local authority” para. (aa) substituted (1.4.2009) for paras. (b)(c) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 125(2)**, 153(7); S.I. 2009/860, art. 2(1)(b)
- F35** Words in s. 29(1) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 125(3)** (with art. 6, Sch. 3)
- F36** Words in s. 29(1) substituted (1.8.2007 for E.) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 14 para. 57**; S.I. 2007/1614, art. 3(d)

##### Commencement Information

- I5** S. 29 in force at 27.2.2004 by [S.I. 2003/3300](#), **art. 3(a)(iii)**

**Changes to legislation:**

There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Cross  
Heading: Criminal conduct and anti-social behaviour.