

# **POLICE AND JUSTICE ACT 2006**

---

## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on Sections*

#### **Part 3: Crime and anti-social behaviour**

##### ***Section 24: Parenting orders: local authorities and registered social landlords***

238. This section inserts in Part 3 of the Anti-social Behaviour Act 2003 two new sections (26A and 26B), so as to enable a local authority or a registered social landlord to apply to a magistrates' court for a parenting order against a parent in respect of anti-social behaviour by his or her children, and a new section (26C) so as to enable a local authority or a RSL to apply for such an order as an adjunct to certain proceedings in the county court. These provisions supplement the powers of magistrates' courts to make parenting orders in cases of exclusion from school or truancy and in respect of criminal conduct or anti-social behaviour contained in sections 8 to 10 of the Crime and Disorder Act 1998 and Part 3 of the Anti-Social Behaviour Act 2003.

##### **New section 26A: Parenting orders in respect of anti-social behaviour: local authorities**

239. New section 26A(1) sets out the circumstances in which a local authority can apply to a magistrates' court (or in certain circumstances a county court) for a parenting order in respect of a parent of a child or young person. These are where the authority has reason to believe that the child or young person has engaged in anti-social behaviour and where the child or young person resides, or appears to reside, in the authority's area.
240. New section 26A(2) provides that the court may make such an order if it has reason to believe that the child or young person has engaged in anti-social behaviour and that it would be in the interests of preventing him or her from engaging in further such behaviour. New section 26A(3) indicates that a parenting order is an order which requires the parent to comply, for not more than twelve months, with any requirements specified in the order and, subject to new section 26A(4) to attend, for no more than three months, a counselling or guidance programme specified in directions given by the responsible officer.
241. New section 26A(4) indicates that a parent is not necessarily to be required to attend a counselling or guidance programme when he or she has already been subject to a parenting order.
242. New section 26A(5), (6) and (7) provides that a counselling or guidance programme which a parent is required to attend by virtue of a parenting order may be residential, only if that is likely to be more effective than a non-residential course in preventing the child or young person from engaging in further anti-social behaviour, and if any interference with family life is likely to be proportionate.

243. New section 26(A)(8) makes clear that the responsible officer is required to be an officer of the local authority or a person or body nominated by that local authority. A person cannot be nominated by the local authority without their consent.

**New section 26B: Parenting orders in respect of anti-social behaviour: registered social landlords**

244. New section 26B(1) sets out the circumstances in which a RSL can apply for a parenting order in respect of a parent of a child or young person. These are where the RSL has reason to believe that the child or the young person has engaged in anti-social behaviour and the behaviour directly or indirectly relates to or affects the RSL's housing management functions.
245. New section 26B(2) to (7) makes parallel provisions to new section 26A(2) to (7) described above.
246. New section 26B(8) requires an RSL to consult with the local authority in whose area the child or young person resides before applying for a parenting order.
247. New section 26B(9) and (10) makes clear the responsible officer may be an officer of the RSL or a person nominated by the RSL. A person may not be nominated by the RSL without their consent. When deciding whom to nominate the RSL must take into account the views of the local authority and other appropriate persons and bodies.

**New section 26C: Applications under section 26A or 26B in county court proceedings**

248. New section 26C(1) provides that where a local authority or an RSL is a party to proceedings in the county court and it considers that another party is a person in relation to whom it could be reasonable to apply for a parenting order it may make such an application to the court.
249. New section 26C(2) provides that where a local authority or an RSL is not a party to proceedings but considers that a party is a person in relation to whom it would be reasonable to make an application, it may apply to be joined to the proceedings for that purpose.
250. New section 26C(3) provides that where a local authority or an RSL is a party to proceedings, and considers that a child or young person has engaged in anti-social behaviour which is material in relation to the proceedings, the local authority or the RSL may apply for a person who is the parent of the child or the young person to be joined to enable it to apply for a parenting order in respect of that person.
251. New section 26C(4) makes it clear that a person is not to be joined under new section 26C(3) unless the anti-social behaviour in question is material to the proceedings.