



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 9

PARENTING ORDERS

Applications

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- (1) The court may make a parenting order in respect of a parent of a child where—
 - (a) subsection (2) or (3) applies; and
 - (b) the Scottish Ministers have notified the court that the local authority for the area in which the parent ordinarily resides has made arrangements that would enable the order to be complied with.
- (2) This subsection applies where—
 - (a) the application for the order is made by the appropriate local authority; and
 - (b) the court is satisfied that—
 - (i) the behaviour condition; or
 - (ii) the conduct condition,is met.
- (3) This subsection applies where—
 - (a) the application for the order is made by the Principal Reporter; and
 - (b) the court is satisfied that—
 - (i) the behaviour condition;
 - (ii) the conduct condition; or
 - (iii) the welfare condition,is met.
- (4) The behaviour condition is—
 - (a) that the child has engaged in antisocial behaviour; and

- (b) that the making of the order is desirable in the interests of preventing the child from engaging in further such behaviour.
- (5) The conduct condition is—
 - (a) that the child has engaged in criminal conduct; and
 - (b) that the making of the order is desirable in the interests of preventing the child from engaging in further such conduct.
- (6) The welfare condition is that the making of the order is desirable in the interests of improving the welfare of the child.
- (7) For the purposes of subsection (5), a child engages in criminal conduct if the child engages in conduct that constitutes a criminal offence (or would do so if the child had attained the age of 8 years).
- (8) An application under this section shall be made by summary application to the sheriff of the sheriffdom where the parent ordinarily resides.
- (9) Before an application is made under this section—
 - (a) by a local authority, it shall consult the Principal Reporter;
 - (b) by the Principal Reporter, the Principal Reporter shall consult the appropriate local authority.
- (10) In this section, “appropriate local authority” means the local authority for the area where the child ordinarily resides.