



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 9

PARENTING ORDERS

General requirements

108 **Procedural requirements**

- (1) Before making, varying or revoking a parenting order, a court shall—
 - (a) having regard to the age and maturity of the child, so far as practicable—
 - (i) give the child an opportunity to indicate whether the child wishes to express views; and
 - (ii) if the child so wishes, give the child an opportunity to express those views;
 - (b) give the parent the opportunity to be heard;
 - (c) obtain information about the family circumstances of the parent and the likely effect of the order on those circumstances.
- (2) Before making a parenting order, the court shall explain in ordinary language—
 - (a) the effect of the order and of the requirements proposed to be included in it;
 - (b) the consequences of failing to comply with the order;
 - (c) the powers the court has under section 105; and
 - (d) the entitlement of the parent to appeal against the making of the order.
- (3) Before varying or revoking a parenting order, the court shall explain in ordinary language the effect of the variation or, as the case may be, revocation.
- (4) Subsections (2) and (3) apply only where the parent is present in court.
- (5) Failure to comply with subsection (2) or (3) shall not affect the validity of the order made.

Status: This is the original version (as it was originally enacted).

- (6) Without prejudice to the generality of subsection (1)(a), a child who is at least 12 years of age shall be presumed to be of sufficient age and maturity to form a view.