Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 3

PARENTAL RESPONSIBILITIES

Parenting orders under the 1998 Act

18 Parenting orders under the 1998 Act

(1) Section 8 of the Crime and Disorder Act 1998 (c. 37) is amended as follows.

(2) For subsections (4) and (5) substitute—

"(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) below, 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 may, but need not, include such a requirement as is mentioned in subsection (4)(b) above 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."

(3) After subsection (7) insert—

"(7A) A counselling or guidance programme which a parent is required to attend by virtue of subsection (4)(b) above may be or include a residential course but only if the court is satisfied—

(a) 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 any such repetition or, as the case may be, the commission of any such further offence, and

(b) 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.”

Commencement Information

I1 S. 18 in force at 27.2.2004 by S.I. 2003/3300, **art. 3(a)(i)**

Truancy and [[F1]misbehaviour at] school

Textual Amendments

F1 Words in s. 19 cross-heading substituted (1.9.2007 for E., 31.10.2010 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 97(4)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, art. 2(g)

19 Parenting contracts in cases of [[F2]misbehaviour at] school or truancy

(1) This section applies where a pupil has been excluded on disciplinary grounds from a relevant school for a fixed period or permanently.

[[F3](1A) This section also applies where a [[F4]local authority] or the governing body of a relevant school have reason to believe that a child who is a registered pupil at a relevant school has engaged in behaviour connected with the school which—

(a) has caused, or is likely to cause—

(i) significant disruption to the education of other pupils, or

(ii) significant detriment to the welfare of the child himself or of other pupils or to the health or safety of any staff, or

(b) forms part of a pattern of behaviour which (if continued) will give rise to a risk of future exclusion from the school on disciplinary grounds.

(1B) For the purposes of subsection (1A) the child's behaviour is connected with the school to the extent that it consists of—

(a) conduct at the school, or

(b) conduct elsewhere in circumstances in which it would be reasonable for the school to regulate his conduct.]

(2) This section also applies where a child of compulsory school age has failed to attend regularly at —

[[F5](a) a relevant school at which he is a registered pupil,

(b) any place at which education is provided for him in the circumstances mentioned in subsection (1) of section 444ZA of the Education Act 1996, and

(c) any place at which he is required to attend in the circumstances mentioned in subsection (2) of that section.]

(3) A [[F4]local authority] or the governing body of a relevant school may enter into a parenting contract with a parent of the pupil or child.

(4) 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 **[**[F4]local authority**]** or governing body that it agrees to provide support to the parent for the purpose of complying with those requirements.

(5) The requirements mentioned in subsection (4) may include (in particular) a requirement to attend a counselling or guidance programme.

(6) The purpose of the requirements mentioned in subsection (4)—

(a) in a case falling within subsection (1) **[**[F6]or (1A)**]**, is to improve the behaviour of the pupil,

(b) in a case falling within subsection (2), is to ensure that the child attends regularly at the relevant school at which he is a registered pupil.

(7) A parenting contract must be signed by the parent and signed on behalf of the **[**[F4]local authority**]** or governing body.

(8) A parenting contract does not create any obligations in respect of whose breach any liability arises in contract or in tort.

(9) **[**[F4]local authorities**]** and governing bodies of relevant schools must, in carrying out their functions in relation to parenting contracts, have regard to any guidance which is issued by the appropriate person from time to time for that purpose.

Textual Amendments

F2 Words in s. 19 heading substituted (1.9.2007 for E., 31.10.2010 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 97(4)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, art. 2(g)

F3 S. 19(1A)(1B) inserted (1.9.2007 for E., 31.10.2010 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 97(2)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, art. 2(g)

F4 Words in ss. 19-21 substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 52**

F5 S. 19(2)(a)-(c) substituted for words in (2) (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 15** (with s. 119); S.I. 2005/2034, art. 4; S.I 2006/1338, art. 3, Sch. 1

F6 Words in s. 19(6) substituted (1.9.2007 for E., 31.10.2010 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 97(3)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, art. 2(g)

Commencement Information

I2 S. 19 in force at 27.2.2004 for E. by S.I. 2003/3300, **art. 4(a)**

I3 S. 19 in force at 11.5.2006 for W. by S.I. 2006/1278, **art. 2**

20 Parenting orders in cases of exclusion [[F7]or potential exclusion] from school

(1) **[**[F8]Subsection (2)**]** applies where—

(a) a pupil has been excluded on disciplinary grounds from a relevant school for a fixed period or permanently, and

(b) such conditions as may be prescribed in regulations made by the appropriate person are satisfied.

(2) **[**[F9]A relevant body**]** may apply to a magistrates' court for a parenting order in respect of a parent of the pupil.

[[F10](2A) A relevant body may also apply to a magistrates' court for a parenting order in respect of a pupil at a relevant school if—

(a) it appears to the body making the application that the pupil has engaged in behaviour which would warrant the exclusion of the pupil from the school on disciplinary grounds for a fixed period or permanently, and

(b) such conditions as may be prescribed in regulations made by the appropriate person are satisfied.

(2B) For the purposes of subsection (2A), there are to be disregarded—

(a) any practice restricting the use of exclusion at a particular school, or at schools of a particular description, and

(b) any grounds that might exist for not excluding the pupil, to the extent that those grounds relate to his education or welfare after exclusion.**]**

[[F11](3) If an application is made under subsection (2) or (2A), the court may make a parenting order in respect of a pupil if it is satisfied—

(a) in the case of an application under subsection (2A), that the pupil has engaged in behaviour of the kind mentioned in that subsection, and

(b) in any case, that the making of the order would be desirable in the interests of improving the behaviour of the pupil.**]**

(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 improving the behaviour of the pupil.

(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.

[[F12](9) In this section "a relevant body" means—

(a) a **[**[F4]local authority**]** ,

(b) the governing body of any relevant school in England at which the pupil to whom the application relates is a pupil or from which he has been excluded.**]**

Textual Amendments

F4 Words in ss. 19-21 substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 52**

F7 Words in s. 20 heading inserted (1.9.2007 for E., 31.10.2010 for W. for specified purposes and 5.1.2011 so far as not already in force) by Education and Inspections Act 2006 (c. 40), **ss. 98(7)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, arts. 2(h), 3(a)

F8 Words in s. 20(1) substituted (1.9.2007 for E., 31.10.2010 for W. for specified purposes and 5.1.2011 so far as not already in force) by Education and Inspections Act 2006 (c. 40), **ss. 98(2)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, arts. 2(h), 3(a)

F9 Words in s. 20(2) substituted (1.9.2007 for E., 31.10.2010 for W. for specified purposes and 5.1.2011 so far as not already in force) by Education and Inspections Act 2006 (c. 40), **ss. 98(3)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, arts. 2(h), 3(a)

F10 S. 20(2A)(2B) inserted (1.9.2007 for E., 31.10.2010 for W. for specified purposes and 5.1.2011 so far as not already in force) by Education and Inspections Act 2006 (c. 40), **ss. 98(4)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, arts. 2(h), 3(a)

F11 S. 20(3) substituted (1.9.2007 for E., 31.10.2010 for W. for specified purposes and 5.1.2011 so far as not already in force) by Education and Inspections Act 2006 (c. 40), **ss. 98(5)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, arts. 2(h), 3(a)

F12 S. 20(9) inserted (1.9.2007 for E., 31.10.2010 for W. for specified purposes and 5.1.2011 so far as not already in force) by Education and Inspections Act 2006 (c. 40), **ss. 98(6)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, arts. 2(h), 3(a)

Commencement Information

I4 S. 20 in force at 27.2.2004 for E. by S.I. 2003/3300, **art. 4(b)**

I5 S. 20 in force at 11.5.2006 for W. by S.I. 2006/1278, **art. 2**

21 Parenting orders: supplemental

(1) In deciding whether to make a parenting order under section 20, a court must take into account (amongst other things)—

(a) any refusal by the parent to enter into a parenting contract under section 19 in respect of the pupil in a case falling within subsection (1)**[**[F13]or (1A)**]** of that section, or

(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.

[[F14](1A) In deciding whether to make a parenting order under section 20, a court must also take into account any failure by the parent without reasonable excuse to attend a reintegration interview under section 102 of the Education and Inspections Act 2006 (reintegration interview in case of fixed period exclusion) when requested to do so in accordance with regulations under that section.**]**

(2) Before making a parenting order under section 20 in the case of a pupil under the age of 16, a court must obtain and consider information about the pupil's family circumstances and the likely effect of the order on those circumstances.

(3) Subsections (3) to (7) of section 9 of the Crime and Disorder Act 1998 (c. 37) (supplemental provisions about parenting orders) are to apply in relation to a parenting order under section 20 as they apply in relation to a parenting order under section 8 of that Act.

[F15](4) . . . . . .

(5) **[**[F4]local authorities**]** ,**[**[F16]governing bodies**]** head teachers and responsible officers must, in carrying out their functions in relation to parenting orders, have regard to any guidance which is issued by the appropriate person from time to time for that purpose.

Textual Amendments

F4 Words in ss. 19-21 substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 52**

F13 Words in s. 21(1)(a) inserted (1.9.2007 for E., 31.10.2010 for W. for specified purpose and 5.1.2011 so far as not already in forces) by Education and Inspections Act 2006 (c. 40), **ss. 99(2)(a)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, arts. 2(h), 3(a)

F14 S. 21(1A) inserted (1.9.2007 for E., 31.10.2010 for W. for specified purposes and 5.1.2011 so far as not already in force) by Education and Inspections Act 2006 (c. 40), **ss. 99(2)(b)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, arts. 2(h), 3(a)

F15 S. 21(4) repealed (1.9.2007 for E., 31.10.2010 for W. for specified purposes and 5.1.2011 so far as not already in force) by Education and Inspections Act 2006 (c. 40), ss. 99(2)(c), 188(3), **Sch. 18 Pt. 6**; S.I. 2007/1801, art. 3(c)(h) (with art. 5(2)); S.I. 2010/2543, arts. 2(h), 3(a)

F16 Words in s. 21(5) inserted (1.9.2007 for E., 31.10.2010 for W. for specified purposes and 5.1.2011 so far as not already in force) by Education and Inspections Act 2006 (c. 40), **ss. 99(2)(d)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, arts. 2(h), 3(a)

Commencement Information

I6 S. 21 in force at 27.2.2004 for E. by S.I. 2003/3300, **art. 4(c)**

I7 S. 21 in force at 11.5.2006 for W. by S.I. 2006/1278, **art. 2**

22 Parenting orders: appeals

(1) An appeal lies to the Crown Court against the making of a parenting order under section 20.

(2) Subsections (2) and (3) of section 10 of the Crime and Disorder Act 1998 (appeals against parenting orders) are to apply in relation to an appeal under this section as they apply in relation to an appeal under subsection (1)(b) of that section.

Commencement Information

I8 S. 22 in force at 27.2.2004 for E. by S.I. 2003/3300, **art. 4(d)**

I9 S. 22 in force at 11.5.2006 for W. by S.I. 2006/1278, **art. 2**

[F17 22A Parenting contracts and parenting orders: further provisions

(1) The appropriate person may by regulations make further provision about the exercise by **[**F18 local authorities**]** and the governing bodies of relevant schools of their functions relating to—

(a) parenting contracts under section 19, and

(b) parenting orders under section 20.

(2) The provision that may be made under subsection (1) includes—

(a) provision limiting the power of a **[**F18 local authority**]** to enter into a parenting contract, or apply for a parenting order, in prescribed cases where—

(i) the school by reference to which the contract is entered into or the application is made is not in the area of the authority, or

(ii) the child by reference to whom the contract is entered into or the application is made does not reside in that area;

(b) provision as to which governing body may apply for a parenting order in cases where a pupil has been admitted to a relevant school after being permanently excluded from another;

(c) provision requiring one **[**[F18]local authority**]** or governing body to consult with another before taking any prescribed step;

(d) provision authorising or requiring the provision of information by one **[**[F18]local authority**]** or governing body to another;

(e) provision as to how the costs associated with parenting contracts entered into by **[**[F18]local authorities**]** or governing bodies of relevant schools or the costs associated with the requirements of parenting orders under section 20 (including in each case the costs of providing counselling or guidance programmes) are to be met.

(3) In subsection (2), "prescribed" means prescribed by regulations made by the appropriate person under subsection (1).**]**

Textual Amendments

F17 S. 22A inserted (1.9.2007 for E., 31.10.2010 for W. for specified purposes and 5.1.2011 so far as not already in force) by Education and Inspections Act 2006 (c. 40), **ss. 99(3)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, arts. 2(h), 3(a)

F18 Words in s. 22A substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 52**

23 Penalty notices for parents in cases of truancy

(1) After section 444 of the Education Act 1996 (c. 56) (failure to secure regular attendance at school of registered pupil) insert—

"**444A Penalty notice in respect of failure to secure regular attendance at school of registered pupil**

(1) Where an authorised officer has reason to believe—

(a) that a person has committed an offence under section 444(1), and

(b) that the school to which the offence relates is a relevant school in England,

he may give the person a penalty notice in respect of the offence.

(2) A penalty notice is a notice offering a person the opportunity of discharging any liability to conviction for the offence under section 444(1) to which the notice relates by payment of a penalty in accordance with the notice.

(3) Where a person is given a penalty notice, proceedings for the offence to which the notice relates (or an offence under section 444(1A) arising out of the same circumstances) may not be instituted before the end of such period as may be prescribed.

(4) Where a person is given a penalty notice, he cannot be convicted of the offence to which the notice relates (or an offence under section 444(1A) arising out of the same circumstances) if he pays a penalty in accordance with the notice.

(5) Penalties under this section shall be payable to local education authorities in England.

(6) Sums received by a local education authority under this section may be used by the authority for the purposes of any of its functions which may be specified in regulations.

444B Penalty notices: supplemental

(1) Regulations may make—

(a) provision as to the form and content of penalty notices,

(b) provision as to the monetary amount of any penalty and the time by which it is to be paid,

(c) provision for determining the local education authority to which a penalty is payable,

(d) provision as to the methods by which penalties may be paid,

(e) provision as to the records which are to be kept in relation to penalty notices,

(f) provision as to the persons who may be authorised by a local education authority or a head teacher to give penalty notices,

(g) provision limiting the circumstances in which authorised officers of a prescribed description may give penalty notices,

(h) provision for or in connection with the withdrawal, in prescribed circumstances, of a penalty notice, including—

(i) repayment of any amount paid by way of penalty under a penalty notice which is withdrawn, and

(ii) prohibition of the institution or continuation of proceedings for the offence to which the withdrawn notice relates (and any offence under section 444(1A) arising out of the same circumstances),

(i) provision for a certificate—

(i) purporting to be signed by or on behalf of a prescribed person, and

(ii) stating that payment of any amount paid by way of penalty was or, as the case may be, was not received on or before a date specified in the certificate,

to be received in evidence of the matters so stated,

(j) provision as to the action to be taken if a penalty is not paid in accordance with a penalty notice,

(k) provision for or in connection with the preparation of codes of conduct in relation to the giving of penalty notices,

(l) such other provision in relation to penalties or penalty notices as the Secretary of State thinks necessary or expedient.

(2) Without prejudice to the generality of subsection (1) or section 569(4), regulations under subsection (1)(b) may make provision for penalties of different amounts to be payable in different cases or circumstances (including provision for the penalty payable under a penalty notice to differ according to the time by which it is paid).

(3) Local education authorities, head teachers and authorised officers shall, in carrying out their functions in relation to penalty notices, have regard to any guidance which is published by the Secretary of State from time to time in relation to penalty notices.

(4) In this section and section 444A—

"authorised officer" means—

(a) a constable,

(b) an officer of a local education authority in England who is authorised by the authority to give penalty notices, or

(c) an authorised staff member,

"authorised staff member" means—

(a) a head teacher of a relevant school in England, or

(b) a member of the staff of a relevant school in England who is authorised by the head teacher of the school to give penalty notices,

"penalty" means a penalty under a penalty notice,

"penalty notice" has the meaning given by section 444A(2),

"relevant school" means—

(a) a maintained school,

(b) a pupil referral unit,

(c) an Academy,

(d) a city technology college, or

(e) a city college for the technology of the arts."

(2) In section 572 of that Act (service of notices and other documents) for "served on any person may be served" substitute " served on, or given to, any person may be served or given ".

(3) In paragraph 1(2) of Schedule 4 to the Police Reform Act 2002 (c. 30) (powers of community support officers to issue fixed penalty notices) after paragraph (a) insert—

"(aa) the power of a constable to give a penalty notice under section 444A of the Education Act 1996 (penalty notice in respect of failure to secure regular attendance at school of registered pupil);".

(4) After paragraph 1(3) of that Schedule insert—

"(4) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in sub-paragraph (2)(aa), sub-paragraph (1) shall have effect as if for the words from "who he has reason to believe" to the end there were substituted "in the relevant police area who he has reason to believe has committed a relevant fixed penalty offence"."

[F19](5) . . . . . .

(6) In paragraph 1(2) of Schedule 5 to that Act (powers of accredited persons to issue fixed penalty notices) before paragraph (b) insert—

"(ab) the power of a constable to give a penalty notice under section 444A of the Education Act 1996 (penalty notice in respect of failure to secure regular attendance at school of registered pupil);".

(7) After paragraph 1(3) of that Schedule insert—

"(4) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in sub-paragraph (2)(ab), sub-paragraph (1) shall have effect as if for the words from "who he has reason to believe" to the end there were substituted "in the relevant police area who he has reason to believe has committed or is committing a relevant fixed penalty offence"."

(8) In paragraph 2 of that Schedule (power to require giving of name and address) after sub-paragraph (3) insert—

"(4) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in paragraph 1(2)(ab), sub-paragraph (1) of this paragraph shall have effect as if for the words "has committed a relevant offence in the relevant police area" there were substituted "in the relevant police area has committed a relevant offence"."

(9) The National Assembly for Wales may by order amend sections 444A and 444B of the Education Act 1996 (c. 56) by removing the words "in England" in each place where they occur.

(10) Where an order is made under subsection (9), any functions of the Secretary of State under sections 444A and 444B of the Education Act 1996 which by virtue of the order become exercisable in relation to Wales are to be treated as if they had been transferred to the National Assembly for Wales by an Order in Council under section 22 of the Government of Wales Act 1998 (c. 38).

Textual Amendments

F19 S. 23(5) repealed (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8)(8), **Sch. 17 Pt. 2**; S.I. 2005/1521, art. 3(1)(ee)

Modifications etc. (not altering text)

C1 S. 23(9)(10) modified (1.9.2005) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 4** (with s. 119); S.I. 2005/2034, art. 5

Commencement Information

I10 S. 23 in force at 27.2.2004 by S.I. 2003/3300, **art. 3(a)(ii)**

24 Interpretation

In this section and **[**[F20]sections 19 to 22A**]**—

"the appropriate person" means—

(a) in relation to England, the Secretary of State, and

(b) in relation to Wales, the National Assembly for Wales,

"child of compulsory school age" has the same meaning as in the 1996 Act, and "child" is to be construed accordingly,

[[F21]"governing body", in relation to a relevant school which is an Academy, a city technology college or a city college for the technology of the arts, means the proprietor of the school, as defined by section 579(1) of the 1996 Act;**]**

"head teacher" includes acting head teacher, teacher in charge and acting teacher in charge,

"**[**[F22]local authority**]**" has the same meaning as in the 1996 Act,

"parent", in relation to a pupil or child, is to be construed in accordance with section 576 of the 1996 Act, but does not include a person who is not an individual,

"pupil" is to be construed in accordance with section 3(1) and (1A) of the 1996 Act,

"registered pupil" has the meaning given by section 434(5) of the 1996 Act,

[[F23] " relevant school " means— **]**

(a) a community, foundation or voluntary school,

(b) a community or foundation special school,

(c) a maintained nursery school as defined in section 22(9) of the School Standards and Framework Act 1998,

(d) a pupil referral unit as defined in section 19(2) of the 1996 Act,

(e) an Academy,

(f) a city technology college, or

(g) a city college for the technology of the arts,

"responsible officer", in relation to a parenting order, means one of the following who is specified in the order, namely—

(a) an officer of a **[**[F22]local authority**]** , and

(b) a head teacher or a person nominated by a head teacher,

but a person falling within paragraph (b) may not be specified in the order without his consent,

"the 1996 Act" means the Education Act 1996 (c. 56).

Textual Amendments

F20 Words in s. 24 substituted (1.9.2007 for E., 31.10.2010 for W. for specified purposes and 5.1.2011 so far as not already in force) by Education and Inspections Act 2006 (c. 40), **ss. 99(4)(a)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, arts. 2(h), 3(a)

F21 Words in s. 24 inserted (1.9.2007 for E., 31.10.2010 for W. for specified purposes and 5.1.2011 so far as not already in force) by Education and Inspections Act 2006 (c. 40), **ss. 99(4)(b)**, 188(3); S.I. 2007/1801, art. 3(c); S.I. 2010/2543, arts. 2(h), 3(a)

F22 Words in s. 24 substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 52**

F23 Words in s. 24 substituted (8.11.2006) by Education and Inspections Act 2006 (c. 40), s. 188(1), **Sch. 16 para. 4**

Commencement Information

I11 S. 24 in force at 27.2.2004 for E. by S.I. 2003/3300, **art. 4(e)**

I12 S. 24 in force at 11.5.2006 for W. by S.I. 2006/1278, **art. 2**

Criminal conduct and anti-social behaviour

25 Parenting contracts in respect of criminal conduct and anti-social behaviour [F24: 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.

(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.

Textual Amendments

F24 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

I13 S. 25 in force at 27.2.2004 by S.I. 2003/3300, **art. 3(a)(iii)**

[F25 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.

Textual Amendments

F25 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: [F26relevant housing providers]

(1) A [F27relevant housing provider] may enter into a parenting contract with a parent of a child or young person if—

(a) the [F27relevant 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 [F27relevant housing provider] (or, where paragraph (a)(ii) applies, would do so if the behaviour were engaged in).

F28(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 **[**[F29]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 **[**[F30]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—

[[F31](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.**]**

Textual Amendments

F25 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)

F26 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)

F27 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)

F28 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)

F29 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)

F30 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)

F31 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 [[F32]: 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 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.

[[F33](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.**]**

Textual Amendments

F32 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)

F33 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

I14 S. 26 in force at 27.2.2004 by S.I. 2003/3300, **art. 3(a)(iii)**

[[F34]**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—

(a) the local authority has reason to believe that the child or young person has engaged in anti-social behaviour, and

(b) 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 a 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.

(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 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.

Textual Amendments

F34 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)

26B Parenting orders in respect of anti-social behaviour: [F35relevant housing providers]

(1) A **[**F36relevant housing provider**]** may apply for a parenting order in respect of a parent of a child or young person if—

(a) the **[**F36relevant 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 **[**[F36]relevant housing provider**]** .

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

(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 **[**[F36]relevant housing provider**]** must not make an application under this section without first consulting the local authority **[**[F37](or, if subsection (8A) applies, each local authority)**]** in whose area the child or young person in question resides or appears to reside.

[F38](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—

(a) an officer of the **[**[F36]relevant housing provider**]** which applied for the order, or

(b) a person nominated by that **[**[F36]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 **[**[F36]relevant housing provider**]** must take into account the views of—

(a) the local authority **[**[F39](or authorities)**]** mentioned in subsection (8), and

(b) such other persons or bodies as the **[**[F36]relevant housing provider**]** thinks appropriate.

Textual Amendments

F34 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)

F35 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)

F36 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)

F37 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)

F38 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)

F39 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 **[**[F40]relevant housing provider**]** (a "relevant authority")—

(a) is a party to proceedings in a 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 a 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 a 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.**]**

Textual Amendments

F34 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)

F40 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 **[**[F41]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 **[**[F42]section 25, 25A or 25B**]** in respect of the child or young person, or

(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 **[**[F41]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 **[**[F43]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.

[[F44](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.**]**

[[F45](4) In carrying out their functions in relation to parenting orders—

(a) members of youth offending teams,

(b) local authorities in England,

(c) **[**[F46]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 **[**[F47]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) **[**[F48]registered social landlords,**]** and

(c) responsible officers in relation to parenting orders made on the application of local authorities in Wales or of **[**[F49]registered social landlords**]** ,

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

Textual Amendments

F41 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)

F42 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)

F43 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)

F44 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)

F45 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)

F46 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)

F47 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)

F48 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)

F49 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

I15 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 **[**[F50]by a magistrates' court under section 26, 26A or 26B**]**.

[[F51](1A) An appeal lies to the High Court against the making of a parenting order by a 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 **[**[F52]subsection (1)**]** of that section.

Textual Amendments

F50 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)

F51 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)

F52 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

I16 S. 28 in force at 27.2.2004 by S.I. 2003/3300, **art. 3(a)(iii)**

[F53 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).

(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.**]**

Textual Amendments

F53 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),

[[F54] " housing accommodation " has the meaning given by section 153E(9) of the Housing Act 1996; **]**

[[F55]"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,**]**

[[F54] " local authority " means—

(a) a county council in England;
(aa) **[**[F56] 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,

[[F54] " registered social landlord " means a body registered as such under Chapter 1 of Part 1 of the Housing Act 1996; **]**

[[F57]"relevant housing provider" has the meaning given by section 25B(1A),**]**

"responsible officer", in relation to a parenting order, means **[**[F58]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;".

Textual Amendments

F54 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)

F55 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)

F56 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)

F57 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)

F58 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

I17 S. 29 in force at 27.2.2004 by S.I. 2003/3300, **art. 3(a)(iii)**

Status:
Point in time view as at 05/05/2010.

Changes to legislation:
There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Part 3.