

*These notes relate to the Antisocial Behaviour etc. (Scotland)
Act 2004 (asp 8) which received Royal Assent on 26 July 2004*

ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 – Parenting Orders

Section 108 – Procedural requirements

241. **Section 108** regulates the procedure the court must follow in determining an application for a parenting order or an application for variation or revocation of that order. It requires the court to give the parent and child – where that is appropriate given his or her age and maturity – an opportunity to express their views about the application. Where the parent is present it provides that the court must explain in ordinary language the effect of the order as well as the consequences of breaching the order and the opportunities in relation to review and appeal of the order. Subsection (4) provides that a failure to comply with the requirements to explain in ordinary language shall not affect the validity of the order made. The court must also obtain information about the family and the likely effect of the order on it.