



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 2

ANTISOCIAL BEHAVIOUR ORDERS

Orders in respect of children

12 Sheriff's power to refer case to children's hearing

- (1) Where the sheriff makes an antisocial behaviour order or an interim order in respect of a child, the sheriff may require the Principal Reporter to refer the child's case to a children's hearing.
- (2) The Children (Scotland) Act 1995 (c. 36) shall be amended in accordance with subsections (3) to (5).
- (3) After paragraph (1) of section 52(2) (children requiring compulsory measures of supervision) there shall be inserted—
 - “(m) is a child to whom subsection (2A) below applies.
- (2A) This subsection applies to a child where—
 - (a) a requirement is made of the Principal Reporter under section 12(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) (power of sheriff to require Principal Reporter to refer case to children's hearing) in respect of the child's case; and
 - (b) the child is not subject to a supervision requirement.”.
- (4) After section 65(1) (referral of case to children's hearing), there shall be inserted—
 - “(1A) Where the Principal Reporter is satisfied that the ground specified in section 52(2)(m) of this Act is established in respect of any child, he shall be taken to be satisfied as to the matter mentioned in section 65(1)(a) in respect of the child.”.
- (5) In section 73(8) (arrangements to review supervision requirement)—

Status: This is the original version (as it was originally enacted).

- (a) in paragraph (a)(v), after “months;” there shall be inserted—
 - “(aa) where—
 - (i) a requirement is made of the Principal Reporter under section 12(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) (power of sheriff to require Principal Reporter to refer case to children’s hearing) in respect of the child’s case; and
 - (ii) the child is subject to a supervision requirement, arrange for a children’s hearing to review the supervision requirement;”;
- (b) in paragraph (b), for “that” there shall be substituted “any such”.

13 Sheriff’s power to make parenting order

- (1) Where a sheriff makes an antisocial behaviour order in respect of a child, the sheriff may, where subsection (2) applies, make a parenting order in respect of a parent of the child.
- (2) This subsection applies where—
 - (a) the sheriff is satisfied that the making of the order is desirable in the interests of preventing the child from engaging in further antisocial behaviour; 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.
- (3) In this section—
 - “parent” has the meaning given by section 117; and
 - “parenting order” has the meaning given by section 103(1).