



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 9

PARENTING ORDERS

Matters following making of order

104 Notification of making of order

- (1) The clerk of the court by which a parenting order is made shall cause a copy of the order to be—
 - (a) given to the person specified in the order; or
 - (b) sent to the person so specified by registered post or the recorded delivery service.
- (2) A certificate of posting of a letter sent under subsection (1)(b) issued by the postal operator concerned shall be sufficient evidence of the sending of the letter on the day specified in such certificate.
- (3) In subsection (2), “postal operator” has the meaning given by section 125(1) of the Postal Services Act 2000 (c. 26).

105 Review of order

- (1) On the application of a relevant applicant the court that made a parenting order may, if it considers that it would be appropriate to do so—
 - (a) revoke the order; or
 - (b) vary the order by—
 - (i) deleting any of the requirements specified in the order;
 - (ii) adding a new requirement;
 - (iii) altering the period specified for the purpose of section 103(1)(b).
- (2) In subsection (1), “relevant applicant” means—

Changes to legislation: *Antisocial Behaviour etc. (Scotland) Act 2004, Cross Heading: Matters following making of order is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) the person specified in the order;
 - (b) the child in respect of whom the order was made;
 - (c) the local authority for the area in which the person specified in the order ordinarily resides.
- (3) Before an application is made under subsection (1) by a local authority, it shall consult the Principal Reporter.
- (4) Where an application under subsection (1) for the revocation or, as the case may be, variation, of a parenting order is refused, another such application by the same applicant under that subsection for revocation or, as the case may be, variation, may be made only with the consent of the court that made the order.
- (5) Where the court that made a parenting order is satisfied that—
 - (a) the person specified in the order proposes to change, or has changed, the person's place of ordinary residence; and
 - (b) it is appropriate to make an order specifying the sheriff of another sheriffdom as the court that may entertain applications under subsection (1),
 it may make such an order; and in such a case, this section shall be read as if references to the court that made the order were references to that sheriff.

106 Appeals

An interlocutor—

- (a) varying, or refusing to vary, a parenting order; or
 - (b) making a parenting order under section 13,
- is an appealable interlocutor.

107 Failure to comply with order

- (1) If the person specified in a parenting order fails without reasonable excuse to comply with—
 - (a) any requirement specified in the order; or
 - (b) any direction given under the order,
 the person shall be guilty of an offence.
- (2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In determining the sentence to be imposed on a person guilty of an offence under subsection (1) a court shall take into consideration the welfare of any child in respect of whom the person is a parent.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 85B inserted by [2014 asp 14 s. 21\(1\)](#)