



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 9

### PARENTING ORDERS

#### *Applications*

#### **102 Applications**

- (1) The court may make a parenting order in respect of a parent of a child where—
  - (a) subsection (2) or (3) applies; 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.
- (2) This subsection applies where—
  - (a) the application for the order is made by the appropriate local authority; and
  - (b) the court is satisfied that—
    - (i) the behaviour condition; or
    - (ii) the conduct condition,is met.
- (3) This subsection applies where—
  - (a) the application for the order is made by the Principal Reporter; and
  - (b) the court is satisfied that—
    - (i) the behaviour condition;
    - (ii) the conduct condition; or
    - (iii) the welfare condition,is met.
- (4) The behaviour condition is—
  - (a) that the child has engaged in antisocial behaviour; and

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**Changes to legislation:** *Antisocial Behaviour etc. (Scotland) Act 2004, Section 102 is up to date with all changes known to be in force on or before 25 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*

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- (b) that the making of the order is desirable in the interests of preventing the child from engaging in further such behaviour.
- (5) The conduct condition is—
  - (a) that the child has engaged in criminal conduct; and
  - (b) that the making of the order is desirable in the interests of preventing the child from engaging in further such conduct.
- (6) The welfare condition is that the making of the order is desirable in the interests of improving the welfare of the child.
- (7) For the purposes of subsection (5), a child engages in criminal conduct if the child engages in conduct that constitutes a criminal offence (or would do so if the child had attained the age of 8 years).
- (8) An application under this section shall be made by summary application to the sheriff of the sheriffdom where the parent ordinarily resides.
- (9) Before an application is made under this section—
  - (a) by a local authority, it shall consult the Principal Reporter;
  - (b) by the Principal Reporter, the Principal Reporter shall consult the appropriate local authority.
- (10) In this section, “appropriate local authority” means the local authority for the area where the child ordinarily resides.

**Changes to legislation:**

Antisocial Behaviour etc. (Scotland) Act 2004, Section 102 is up to date with all changes known to be in force on or before 25 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.

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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\(1\)](#)