



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 9

PARENTING ORDERS

General requirements

109 General considerations relating to making, varying and revoking order

- (1) Where a court is determining whether to make, vary or revoke a parenting order its paramount consideration shall be the welfare of the child.
- (2) Where a court is determining whether to make a parenting order it shall have regard to—
 - (a) such views as the child has expressed in relation to that matter by virtue of paragraph (a) of subsection (1) of section 108;
 - (b) the information obtained in relation to that matter by virtue of paragraph (c) of that subsection;
 - (c) whether (and if so the extent to which) the parent has, at any time that appears to the court to be relevant, taken relevant voluntary steps; and
 - (d) any other behaviour of the parent that appears to the court to be relevant.
- (3) Where a court is determining whether to vary or revoke a parenting order it shall have regard to—
 - (a) such views as the child has expressed in relation to that matter by virtue of paragraph (a) of subsection (1) of section 108;
 - (b) the information obtained in relation to that matter by virtue of paragraph (c) of that subsection; and
 - (c) any behaviour of the parent that appears to the court to be relevant.
- (4) In subsection (2)(c), “relevant voluntary steps” means—
 - (a) where the court is determining whether to—
 - (i) make a parenting order under section 13; or

Status: This is the original version (as it was originally enacted).

- (ii) make a parenting order under subsection (1) of section 102 in respect of the condition mentioned in subsection (4) of that section, voluntary steps intended to be in the interests of preventing the child from engaging in antisocial behaviour;
- (b) where the court is determining whether to make a parenting order under subsection (1) of section 102 in respect of the condition mentioned in subsection (5) of that section, voluntary steps intended to be in the interests of preventing the child from engaging in criminal conduct;
- (c) where the court is determining whether to make a parenting order under subsection (1) of section 102 in respect of the condition mentioned in subsection (6) of that section, voluntary steps intended to be in the interests of improving the welfare of the child.