



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 9 **S**

PARENTING ORDERS

General requirements

108 Procedural requirements **S**

- (1) Before making, varying or revoking a parenting order, a court shall—
 - (a) having regard to the age and maturity of the child, so far as practicable—
 - (i) give the child an opportunity to indicate whether the child wishes to express views; and
 - (ii) if the child so wishes, give the child an opportunity to express those views;
 - (b) give the parent the opportunity to be heard;
 - (c) obtain information about the family circumstances of the parent and the likely effect of the order on those circumstances.
- (2) Before making a parenting order, the court shall explain in ordinary language—
 - (a) the effect of the order and of the requirements proposed to be included in it;
 - (b) the consequences of failing to comply with the order;
 - (c) the powers the court has under section 105; and
 - (d) the entitlement of the parent to appeal against the making of the order.
- (3) Before varying or revoking a parenting order, the court shall explain in ordinary language the effect of the variation or, as the case may be, revocation.
- (4) Subsections (2) and (3) apply only where the parent is present in court.
- (5) Failure to comply with subsection (2) or (3) shall not affect the validity of the order made.

Status: Point in time view as at 04/04/2005.

Changes to legislation: *Antisocial Behaviour etc. (Scotland) Act 2004, Section 108 is up to date with all changes known to be in force on or before 21 June 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)*

- (6) Without prejudice to the generality of subsection (1)(a), a child who is at least 12 years of age shall be presumed to be of sufficient age and maturity to form a view.

Status:

Point in time view as at 04/04/2005.

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