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## STATUTORY INSTRUMENTS

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# 1998 No. 3132

## The Civil Procedure Rules 1998

### [<sup>F1</sup>PART 65

#### PROCEEDINGS RELATING TO ANTI-SOCIAL BEHAVIOUR AND HARASSMENT

[<sup>F1</sup>[<sup>F2</sup>VII – PARENTING ORDERS UNDER THE ANTI-SOCIAL BEHAVIOUR ACT 2003

#### Textual Amendments

- F1** Pt. 65 inserted (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rule 1(b), [Sch. 2](#) (with [rule 20\(2\)\(a\)](#))
- F2** Pt. 65 Section 7 inserted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, [19\(g\)](#)

#### Scope of this Section and interpretation

**65.37.**—(1) This Section of this Part applies in relation to applications for parenting orders under sections 26A and 26B of the Anti-social Behaviour Act 2003 by a relevant authority.

(2) In this Section—

- (a) “the 2003 Act” means the Anti-social Behaviour Act 2003; and
- (b) “relevant authority” has the same meaning as in section 26C of the 2003 Act.

#### Applications for parenting orders

**65.38.**—(1) Subject to paragraph (2)—

- (a) where the relevant authority is the claimant in the proceedings, an application for an order under section 26A or 26B of the 2003 Act must be made in the claim form; and
- (b) where the relevant authority is a defendant in the proceedings, an application for such an order must be made by application notice which must be filed with the defence.

(2) Where the relevant authority becomes aware of the circumstances that lead it to apply for an order after its claim is issued or its defence filed, the application must be made by application notice as soon as possible thereafter.

(3) Where the application is made by application notice, it must normally be made on notice to the person against whom the order is sought.

#### Applications by the relevant authority to be joined to proceedings

**65.39.**—(1) Where the relevant authority is not a party to the proceedings—

*Status: Point in time view as at 01/10/2007.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: VII – PARENTING ORDERS UNDER THE ANTI-SOCIAL BEHAVIOUR ACT 2003. (See end of Document for details)*

- (a) an application under section 26C(2) of the 2003 Act to be made a party must be made in accordance with Section I of Part 19; and
  - (b) the application to be made a party and the application for an order under section 26A or 26B of the 2003 Act must be made in the same application notice.
- (2) The applications—
- (a) must be made as soon as possible after the relevant authority becomes aware of the proceedings; and
  - (b) must normally be made on notice to the person against whom the order is sought.

#### **Applications by the relevant authority to join a parent to proceedings**

**65.40.**—(1) An application under section 26C(3) of the 2003 Act by a relevant authority which is a party to the proceedings to join a parent to those proceedings must be made—

- (a) in the same application notice as the application for an order under section 26A or 26B of the 2003 Act; and
  - (b) as soon as possible after the relevant authority considers that the grounds for the application are met.
- (2) Rule 19.2 does not apply in relation to an application made by a relevant authority under section 26C(3) of the 2003 Act to join a parent to the proceedings.
- (3) The application notice must contain—
- (a) the relevant authority’s reasons for claiming the anti-social behaviour of the child or young person is material in relation to the proceedings; and
  - (b) details of the behaviour alleged.
- (4) The application must normally be made on notice to the person against whom the order is sought.

#### **Evidence**

**65.41.** An application under section 26A, 26B or 26C of the 2003 Act must be accompanied by written evidence.]]

**Status:**

Point in time view as at 01/10/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: VII – PARENTING ORDERS UNDER THE ANTI-SOCIAL BEHAVIOUR ACT 2003.