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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Magistrates' Courts (Parenting Orders) Rules 2004 (S.I. 2004/247(L. 3)) ("the principal Rules"). They amend Schedules 1 and 2 of the principal Rules consequent upon the amendment of section 20 of the Anti-social Behaviour Act 2003 ("the 2003 Act") by section 98 of the Education and Inspections Act 2006 ("the 2006 Act", rules 4 and 5 respectively). They amend Schedule 3 of the principal Rules (rule 6). Rule 3 inserts rules 7 to 10 of, and rule 7 inserts Schedules 5 to 8 to, the principal Rules. These provisions set out the procedure in relation to parenting orders under sections 26A and 26B of the 2003 Act, and provide forms in relation to these parenting orders.

Parenting orders were introduced by the Crime and Disorder Act 1998. Section 20 of the 2003 Act made parenting orders available in respect of pupils excluded from school, and section 98 of the 2006 Act amended section 20 to extend the availability of parenting orders to situations where a pupil has engaged in behaviour which would warrant exclusion from school immediately (but where the school deals with the behaviour in a different way). Sections 26A and 26B of the 2003 Act were inserted by section 24 of the Police and Justice Act 2006 and extend the situations in which parenting orders can be made. Section 26A sets out provisions for local authorities to apply for parenting orders where the child has been engaging in anti-social behaviour and the child resides, or appears to reside, in the local authority's area. Section 26B sets out provisions for registered social landlords to apply for parenting orders where the child has been engaging in anti-social behaviour and the behaviour in question directly or indirectly relates to or affects the housing management functions of the registered social landlord. Parenting orders may require the parent(s) or guardian(s) of the child to attend a counselling and guidance programme. Parenting orders may include other requirements including a requirement to attend a residential course.

These Rules come into force on 1st September 2007.