



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 13

REVIEW OF COMPULSORY SUPERVISION ORDER

Functions of Principal Reporter and children's hearing

138 Powers of children's hearing on review

- (1) This section applies where a children's hearing is carrying out a review of a compulsory supervision order in relation to a child.
- (2) If the children's hearing considers that it is appropriate to do so, the children's hearing may defer making a decision about the compulsory supervision order until a subsequent children's hearing under this section.
- (3) Otherwise, the children's hearing may—
 - (a) terminate the compulsory supervision order,
 - (b) vary the compulsory supervision order,
 - (c) continue the compulsory supervision order for a period not exceeding one year.

[^{F1}(3A) In deciding whether to exercise the power conferred by subsection (2), the children's hearing must consider whether to require the Principal Reporter to obtain any report, from any person, which the children's hearing considers relevant to any matter to be determined by the subsequent children's hearing.]

- (4) The children's hearing may vary or continue a compulsory supervision order only if the children's hearing is satisfied that it is necessary to do so for the protection, guidance, treatment or control of the child.

^{F2}(5)

- (6) If the children's hearing terminates the compulsory supervision order, the children's hearing must—
 - (a) consider whether supervision or guidance is needed by the child, and
 - (b) if so, make a statement to that effect.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 138 is up to date with all changes known to be in force on or before 15 May 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

- (7) If the children's hearing states that supervision or guidance is needed by the child, it is the duty of the relevant local authority for the child to give such supervision or guidance as the child will accept.
- (8) Subsection (9) applies where—
- (a) a child or relevant person in relation to the child is excused under section 73(2), 74(2) or 79 from attending the children's hearing, and
 - (b) the hearing defers its decision until a subsequent children's hearing.
- (9) The children's hearing need not excuse the child or relevant person in relation to the child from attending the subsequent children's hearing.

Textual Amendments

- F1** S. 138(3A) inserted (17.12.2021) by [Age of Criminal Responsibility \(Scotland\) Act 2019 \(asp 7\), ss. 77\(4\), 84\(2\)](#); S.S.I. 2021/449, reg. 2
- F2** S. 138(5) repealed (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\), art. 1, Sch. 2](#)
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Commencement Information

- I1** S. 138 in force at 24.6.2013 by [S.S.I. 2013/195, arts. 2, 3](#)

Changes to legislation:

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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):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)