
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 150

The Children’s Hearings (Scotland) Act 2011 (Transitional, Savings and Supplementary Provisions) Order 2013

PART 1

PRELIMINARY

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Children’s Hearings (Scotland) Act 2011 (Transitional, Savings and Supplementary Provisions) Order 2013 and comes into force on the same day as section 7 (holding of children’s hearing) of the Children’s Hearings (Scotland) Act 2011.

(2) In this Order unless the context otherwise requires—

“the 1986 Act” means the Legal Aid (Scotland) Act 1986(1);

“the 1994 Act” means the Local Government etc. (Scotland) Act 1994(2);

“the 1995 Act” means the Children (Scotland) Act 1995(3);

“the 2011 Act” means the Children’s Hearings (Scotland) Act 2011;

“the 1996 Regulations” means the Secure Accommodation (Scotland) Regulations 1996(4);

“the 2001 Regulations” means the Panel of Persons to Safeguard the Interests of Children (Scotland) Regulations 2001(5);

“the 2013 Regulations” means the Secure Accommodation (Scotland) Regulations 2013(6);

“compulsory supervision order” has the meaning given by section 83 of the 2011 Act;

“the relevant date” means the day on which section 7 (holding of children’s hearing) of the 2011 Act is commenced;

“relevant proceedings” means—

(a) any proceedings before a children’s hearing under Part II of the 1995 Act;

(b) any application to the sheriff, sheriff principal or justice of the peace, as the case may be, to establish any ground of referral or for any order, authorisation, or warrant, as the case may be, under Part II of that Act;

(c) any appeal to the sheriff, sheriff principal or Court of Session under Part II of that Act;

“SCRA” means the Scottish Children’s Reporter Administration(7); and

(1) 1986 c.47.

(2) 1994 c.39.

(3) 1995 c.36.

(4) S.I. 1996/3255.

(5) S.S.I. 2001/476, as amended by S.S.I. 2011/320.

(6) S.S.I. 2013/XXX.

(7) SCRA was established by section 128(1) of the Local Government etc. (Scotland) Act 1994 and is continued in existence by section 15 of the 2011 Act.

“secure accommodation” means accommodation provided for the purposes of restricting the liberty of children in a residential establishment.

- (3) Relevant proceedings are commenced when one of the following occurs—
 - (a) a children’s hearing is arranged by the Principal Reporter under Part II of the 1995 Act;
 - (b) any application or appeal is made under Part II of that Act.
- (4) Relevant proceedings are concluded when, in relation to any proceedings, the latest of the following occurs—
 - (a) a children’s hearing or sheriff, as the case may be, discharges, or has discharged, a referral under Part II of the 1995 Act;
 - (b) a supervision requirement is, or has been, imposed or continued by the children’s hearing or sheriff, as the case may be, and either—
 - (i) the period for any appeal under the 1995 Act expires with no appeal or further appeal, as the case may be, being made; or
 - (ii) if an appeal or further appeal, as the case may be, is made, that appeal, or further appeal, is concluded;
 - (c) an application for any order, authorisation or warrant under Part II of the 1995 Act is refused and either—
 - (i) the period for any appeal under the 1995 Act expires with no appeal or further appeal, as the case may be, being made; or
 - (ii) if an appeal or further appeal, as the case may be, is made, that appeal or further appeal is concluded; or
 - (d) the expiry of any order, authorisation or warrant granted under the 1995 Act.