

SCHEDULE 1

MODIFICATION OF PRIMARY LEGISLATION

Adoption and Children (Scotland) Act 2007

17.—(1) The Adoption and Children (Scotland) Act 2007⁽¹⁾ is amended as follows.

(2) In section 23(3) (cases where certain children may be removed from care of prospective adopters)—

- (a) the word “or” immediately after paragraph (b) is repealed;
- (b) in paragraph (c), the words “2 or” are repealed; and
- (c) after paragraph (c) insert—

“or

- (d) the removal is authorised by an order or warrant under the Children’s Hearings (Scotland) Act 2011 (asp 1).”.

(3) In section 36 (the title of which becomes “Revocation of compulsory supervision order on making of adoption order”)—

- (a) in subsection (1)—
 - (i) in paragraph (a), for “supervision requirement” substitute “compulsory supervision order”; and
 - (ii) in paragraph (b), from “compulsory” to the end substitute “it would no longer be necessary that, for the protection, guidance, treatment or control of the child, the child be subject to the compulsory supervision order.”; and
- (b) in subsection (2), for “supervision requirement” substitute “compulsory supervision order”.

(4) In section 72(5) (prohibition of certain payments: interpretation), in the definition of “place of safety”, for “93(1) of the 1995 Act” substitute “202(1) of the Children’s Hearings (Scotland) Act 2011 (asp 1)”.

(5) In section 79(4)(b) (further consequences of placement order), for “55 of the 1995 Act” substitute “36 of the Children’s Hearings (Scotland) Act 2011 (asp 1)”.

(6) In section 89 (the title of which becomes “Revocation of compulsory supervision order on making of permanence order”)—

- (a) in subsection (1)—
 - (i) in paragraph (a), for “supervision requirement” substitute “compulsory supervision order”; and
 - (ii) in paragraph (b), from “compulsory” to the end substitute “it would no longer be necessary that, for the protection, guidance, treatment or control of the child, the child be subject to the compulsory supervision order.”; and
- (b) in subsection (2), for “supervision requirement” substitute “compulsory supervision order”.

(7) In section 90 (the title of which becomes “Precedence of certain other orders”), in subsection (2)(b), for “supervision requirement” substitute “compulsory supervision order or interim compulsory supervision order”.

(1) 2007 asp 4.

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(8) In section 95(1)(c) (circumstances in which children’s hearing to prepare report for court), for sub-paragraphs (i) and (ii) substitute “make or vary (other than by interim variation, as defined in section 140 of the Children’s Hearing (Scotland) Act 2011 (asp 1)) a compulsory supervision order in respect of the child.”.

(9) In section 96 (the title of which becomes “Application: effect on compulsory supervision order”), in subsection (2), from “supervision” to “Act” substitute “compulsory supervision order may not be made or varied (other than by interim variation, as defined in section 140 of the Children’s Hearings (Scotland) Act 2011 (asp 1)) in respect of the child”.

(10) In section 97 (the title of which becomes “Interim orders and revocation of compulsory supervision order”)—

(a) in subsection (3)—

(i) in paragraph (a), for “supervision requirement” substitute “compulsory supervision order”; and

(ii) in paragraph (b), from “compulsory” to the end substitute “it would no longer be necessary that, for the protection, guidance, treatment or control of the child, the child be subject to the compulsory supervision order.”;

(b) in subsection (4), for “supervision requirement” substitute “compulsory supervision order”; and

(c) in subsection (5)—

(i) in paragraph (a), for “supervision requirement” substitute “compulsory supervision order”;

(ii) in paragraph (b), from “order” to the end of the paragraph substitute “interim order conflict, or are otherwise inconsistent, with the compulsory supervision order”; and

(iii) in the full-out words, after “the”, where it second occurs, insert “interim”.

(11) In section 106 (the title of which becomes “Child subject to compulsory supervision order: duty to refer to Principal Reporter”), in subsection (1)(a), for “supervision requirement” substitute “compulsory supervision order”.

(12) In section 110(2)(b) (power to make provision about allowances for care of children subject to compulsory supervision orders), for “section 70(3)(a) of that Act” substitute “a compulsory supervision order”.

(13) In section 119 (interpretation)—

(a) in subsection (1)—

(i) after the definition of “child” insert—

““compulsory supervision order” has the meaning given by section 83 of the Children’s Hearings (Scotland) Act 2011 (asp 1),”; and

(ii) after the definition of “guardian” insert—

““interim compulsory supervision order” has the meaning given by section 86 of the Children’s Hearings (Scotland) Act 2011 (asp 1),”; and

(b) in subsection (7), for the words from “under” to “requirement” substitute “of an order mentioned in subsection (8)”; and

(c) after subsection (7) insert—

“(8) The orders are—

(a) a compulsory supervision order—

(b) an order varying a compulsory supervision order—

(c) an interim compulsory supervision order.”.

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