

SCHEDULE 3

Article 19

MODIFICATIONS: SCOTLAND AND ENGLAND AND WALES

Modification of Acts

Social Work (Scotland) Act 1968

1.—(1) The Social Work (Scotland) Act 1968(1) is amended as follows.

(2) In section 86 (adjustments between authority providing accommodation etc. and authority of area of residence)(2)—

(a) in subsection (1)(b)—

(i) after “the said Act of 1995” insert “or under or by virtue of the Children’s Hearings (Scotland) Act 2011”; and

(ii) for “that Act” substitute “the Act of 1995”;

(b) in subsection (1)(d), for “supervision requirement” substitute “compulsory supervision order or interim compulsory supervision order”;

(c) in subsection (3), for “supervision requirement” substitute “compulsory supervision order or interim compulsory supervision order”;

(d) in subsection (4)—

(i) at the end of paragraph (b), omit the word “or” ;

(ii) after paragraph (c) insert—

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

(e) in subsection (6)—

(i) at the end of paragraph (b), omit the word “or” ;

(ii) after paragraph (c) insert—

“(d) the Children’s Hearings (Scotland) Act 2011.”; and

(f) after subsection (10) insert—

“(11) In this section—

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

“interim compulsory supervision order” has the meaning given by section 86 of that Act.”.

Criminal Procedure (Scotland) Act 1995

2. Section 44 of the Criminal Procedure (Scotland) Act 1995(3) (detention of children) is amended as follows—

(1) 1968 c.49.

(2) Section 86 was amended by the Children Act 1989 (c.41), Schedule 13, paragraph 23; the National Health Service and Community Care Act 1995 (c.36), Schedule 4, paragraph 15; the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), schedule 4, paragraph 1; the National Health Service (Consequential Provisions) Act 2006, c.43, Schedule 1, paragraph 42; the Adult Support and Protection (Scotland) Act 2007 (asp 10), section 65(1); the Criminal Justice and Immigration Act 2008 (c.4), Schedule 4, paragraph 12; and by the Criminal Justice and Licensing (Scotland) Act 2010 asp 13, schedule 2, paragraph 31.

(3) 1995 c.46.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in subsection (3), for “supervision requirement” substitute “compulsory supervision order”;
- (b) in subsections (4) and (7), for “supervision requirement”, in each place it occurs substitute “compulsory supervision order or interim compulsory supervision order”;
- (c) in subsection (7), for “requirement” substitute “order”; and
- (d) in subsection (11), for the definition of “secure accommodation” substitute—
 - ““secure accommodation” means accommodation provided for the purpose of restricting the liberty of children which—
 - (a) in Scotland, is provided in a residential establishment approved in accordance with regulations made under section 78(2) of the Public Service Reform (Scotland) Act 2010;
 - (b) in England, is provided in a children’s home within the meaning of the 2000 Act in respect of which a person is registered under Part 2 of that Act, except that before the coming into force of section 107(2) of the Health and Social Care (Community Health Standards) Act 2003, “secure accommodation” means accommodation in relation to England which—
 - (i) is provided in a children’s home, within the meaning of the 2000 Act, in respect of which a person is registered under Part 2 of that Act; and
 - (ii) is approved by the Secretary of State for the purpose of restricting the liberty of children; and
 - (c) in Wales, is provided in a children’s home within the meaning of the 2000 Act in respect of which a person is registered under Part 2 of that Act;”.