



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 13

#### REVIEW OF COMPULSORY SUPERVISION ORDER

##### *Requirement for review*

#### **129 Requirement under Antisocial Behaviour etc. (Scotland) Act 2004**

- (1) Subsection (2) applies where—
  - (a) under section 12(1A) of the Antisocial Behaviour etc. (Scotland) Act [2004 \(asp 8\)](#) the sheriff requires the Principal Reporter to arrange a children's hearing in respect of a child, and
  - (b) a compulsory supervision order is in force in relation to the child.
- (2) The Principal Reporter must initiate a review of the compulsory supervision order.

#### **130 Case remitted under section 49 of Criminal Procedure (Scotland) Act 1995**

- (1) This section applies where, in relation to a child—
  - (a) a court remits a case under section 49 of the Criminal Procedure (Scotland) Act 1995 to the Principal Reporter to arrange for the disposal of the case by a children's hearing, and
  - (b) a compulsory supervision order is in force in relation to the child.
- (2) The Principal Reporter must initiate a review of the compulsory supervision order.
- (3) A certificate signed by the clerk of the court stating that the child has pled guilty to, or been found guilty of, the offence to which the case relates is conclusive evidence for the purposes of the children's hearing held for the purposes of reviewing the order that the offence was committed by the child.
- (4) This Act applies as if the plea of guilty, or the finding of guilt, were a determination of the sheriff under section 108 that the ground in section 67(2)(j) was established in relation to the child.

### **131 Duty of implementation authority to require review**

- (1) The implementation authority must, by notice to the Principal Reporter, require a review of a compulsory supervision order in relation to a child where the authority is satisfied that one or more of the circumstances set out in subsection (2) exist.
- (2) Those circumstances are—
  - (a) the compulsory supervision order ought to be terminated or varied,
  - (b) the compulsory supervision order is not being complied with,
  - (c) the best interests of the child would be served by the authority making one of the following applications, and the authority intends to make such an application—
    - (i) an application under section 80 of the Adoption and Children (Scotland) Act 2007 ([asp 4](#)) (the “2007 Act”) for a permanence order,
    - (ii) an application under section 92 of the 2007 Act for variation of such an order,
    - (iii) an application under section 93 of the 2007 Act for amendment of such an order,
    - (iv) an application under section 98 of the 2007 Act for revocation of such an order,
  - (d) the best interests of the child would be served by the authority placing the child for adoption and the authority intends to place the child for adoption,
  - (e) the authority is aware that an application has been made and is pending, or is about to be made, under section 29 or 30 of the 2007 Act for an adoption order in respect of the child.
- (3) The Scottish Ministers may by regulations specify the period within which a requirement under subsection (1) must be made where the implementation authority is satisfied as to the existence of the circumstances mentioned in subsection (2)(a) to (d).
- (4) Different periods may be specified for different circumstances, or classes of circumstances.
- (5) Where an implementation authority is under a duty to require a review under subsection (1) by virtue of being satisfied as to the existence of the circumstances mentioned in subsection (2)(e), the authority must do so as soon as practicable after the authority becomes aware of the application.

### **132 Right of child or relevant person to require review**

- (1) This section applies where a compulsory supervision order is in force in relation to a child.
- (2) The child may by giving notice to the Principal Reporter require a review of the order.
- (3) A relevant person in relation to the child may by giving notice to the Principal Reporter require a review of the order.
- (4) The order may not be reviewed—
  - (a) during the period of 3 months beginning with the day on which the order is made,
  - (b) if the order is continued or varied, during the period of 3 months beginning with the day on which it is continued or varied.

- (5) The Scottish Ministers may by regulations provide that, despite subsection (4), where the order includes a secure accommodation authorisation, the order may be reviewed during a period specified in the regulations.

### **133 Principal Reporter's duty to initiate review**

The Principal Reporter must initiate a review of a compulsory supervision order in relation to a child if—

- (a) the order will expire within 3 months, and
- (b) the order would not otherwise be reviewed before it expires.

### **134 Duty to initiate review if child to be taken out of Scotland**

- (1) This section applies where—
- (a) a child is subject to a compulsory supervision order,
  - (b) a relevant person in relation to the child proposes to take the child to live outwith Scotland, and
  - (c) the proposal is not in accordance with the order or an order under section 11 of the 1995 Act.
- (2) The relevant person must give notice of the proposal to the Principal Reporter and the implementation authority at least 28 days before the day on which the relevant person proposes to take the child to live outwith Scotland.
- (3) If the Principal Reporter receives notice under subsection (2), the Principal Reporter must initiate a review of the compulsory supervision order.

### **135 Duty to initiate review: secure accommodation authorisation**

- (1) Subsection (2) applies where a compulsory supervision order includes a secure accommodation authorisation (which has not ceased to have effect by virtue of section 151(5)).
- (2) The Principal Reporter must initiate a review of the order—
- (a) before the end of the period of 3 months beginning with the day on which the order is made, and
  - (b) if the order is varied or continued, before the end of the period of 3 months beginning with the day on which it is varied or continued.

### **136 Duty to initiate review where child transferred**

The Principal Reporter must initiate a review of a compulsory supervision order in relation to a child where the child is transferred under section 143(2).