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**Changes to legislation:** Children's Hearings (Scotland) Act 2011, Cross Heading: Children (Scotland) Act 1995 (c.36) is up to date with all changes known to be in force on or before 26 May 2023. 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

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## SCHEDULE 5 MINOR AND CONSEQUENTIAL AMENDMENTS

### *Children (Scotland) Act 1995 (c.36)*

- 2 (1) The Children (Scotland) Act 1995 is amended as follows.
- (2) In section 12 (restrictions on certain decrees)—
- (a) in subsection (1), for “or 54 of this Act” substitute “ of this Act or section 62 of the Children's Hearings (Scotland) Act 2011 ”,
  - (b) in subsection (2)(a), for “or 54 of this Act” substitute “ of this Act or section 62 of the Children's Hearings (Scotland) Act 2011 ”.
- (3) In section 16 (welfare of child and consideration of views)—
- (a) in subsection (1)—
    - (i) the words “a children's hearing decide, or” are repealed,
    - (ii) the words “their or” are repealed,
  - (b) in subsection (2), the words “a children's hearing or as the case may be” are repealed,
  - (c) in subsection (3)—
    - (i) for “(4)(a)(i) or (ii) or (b)” substitute “ (4) ”,
    - (ii) the words “requirement or”, in both places where they occur, are repealed,
    - (iii) the words “the children's hearing consider, or as the case may be” are repealed,
  - (d) for subsection (4) substitute—

“(4) The circumstances to which subsection (2) refers are that the sheriff is considering whether to make, vary or discharge an exclusion order.”,
  - (e) in subsection (5)—
    - (i) paragraph (a) is repealed,
    - (ii) in paragraph (b), for “Chapters 1 to 3” substitute “ Chapter 1 or 3 ”.
- (4) In section 17 (duty of local authority to child looked after by them)—
- (a) in subsection (6), for paragraph (b) substitute—

“(b) who is subject to a compulsory supervision order or an interim compulsory supervision order and in respect of whom they are the implementation authority (within the meaning of the Children's Hearings (Scotland) Act 2011);”,
  - (b) subsection (6)(c) is repealed,
  - (c) in subsection (6)(d), for “such responsibilities” substitute “ responsibilities as respects the child ”.
- (5) In section 19 (local authority plans for services for children)—
- (a) in subsection (2), after paragraph (a) insert—

“(aa) the Children's Hearings (Scotland) Act 2011;”,
  - (b) in subsection (5)—
    - (i) in paragraph (c), the words “appointed under section 127 of the Local Government etc. (Scotland) Act 1994” are repealed,
    - (ii) for paragraph (d) substitute—

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“(d) the National Convener of Children's Hearings Scotland;”.

(6) In section 33 (effect of orders etc. made in different parts of the United Kingdom)—

(a) in subsection (1)—

(i) the words “or to a supervision requirement” are repealed,

(ii) the words “or, as the case may be, as if it were a supervision requirement” are repealed,

(b) in subsection (2)—

(i) paragraph (b) is repealed,

(ii) in the full-out, the words “or requirement” are repealed,

(c) subsection (4) is repealed,

(d) in subsection (5)(b), the words “or to a supervision requirement” are repealed,

(e) in subsection (5)(c), the words “or to a supervision requirement” are repealed.

(7) In section 38(4) (limited disapplication of certain enactments while child being provided with refuge), for “section 83 of this Act” substitute “ section 171 of the Children's Hearings (Scotland) Act 2011 ”.

(8) In section 75 (powers in relation to secure accommodation)—

(a) in subsection (1)(b), for “supervision requirement” substitute “ compulsory supervision order, interim compulsory supervision order, medical examination order or warrant to secure attendance (all within the meaning of the Children's Hearings (Scotland) Act 2011) ”,

(b) after subsection (2) insert—

“(2A) In subsection (2), “relevant person” has the meaning given by section 200 of the Children's Hearings (Scotland) Act 2011 and includes a person deemed to be a relevant person by virtue of section 81(3), 160(4)(b) or 164(6) of that Act.”, and

(c) for subsection (4) substitute—

“(4) A child may not be kept in secure accommodation by virtue of regulations made under this section for a period exceeding 66 days from the day when the child was first taken to the secure accommodation.”.

(9) In section 76(8) (making of child protection order instead of exclusion order)—

(a) in paragraph (b), for “section 57 of this Act” substitute “ Part 5 of the Children's Hearings (Scotland) Act 2011 ”,

(b) in the full-out—

(i) for “an order under that section” substitute “ a child protection order ”,

(ii) after “that” insert “ Part ”.

(10) In section 93(1) (interpretation), in the definition of “children's hearing”, for “section 39(3); but does not include a business meeting arranged under section 64, of this Act” substitute “ section 5 of the Children's Hearings (Scotland) Act 2011 ”.

(11) In section 93(2)(b) (meaning of “child”), for the definition of “child” substitute—

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““child” means—

- (i) in relation to section 75, a person under the age of 18 years,
- (ii) in relation to any other section, a person under the age of 16 years;”.

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**Commencement Information**

- I1** Sch. 5 para. 2(1)-(7)(9)(11) in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)
- I2** Sch. 5 para. 2(8) in force at 12.6.2013 for specified purposes by [S.S.I. 2013/190](#), [art. 2](#)
- I3** Sch. 5 para. 2(8) in force at 24.6.2013 in so far as not already in force by [S.S.I. 2013/195](#), [arts. 2, 3](#)
- I4** Sch. 5 para. 2(10) in force at 24.6.2013 for specified purposes by [S.S.I. 2013/195](#), [arts. 2, 3](#)

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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\(5\)\(b\)](#)