

## SCHEDULE 1

### MODIFICATIONS: GENERAL

#### PART 1

##### Modification of Acts

###### **Child Abduction and Custody Act 1985**

- 1.—(1) The Child Abduction and Custody Act 1985(1) is amended as follows.
- (2) In section 20 (suspension of court’s powers), after subsection (5) insert—
  - “(6) In subsection (5), “children’s hearing” is to be construed in accordance with section 5 of the Children’s Hearings (Scotland) Act 2011.”.
- (3) In Schedule 3 (custody orders)—
  - (a) after paragraph 5(viii)insert—
    - “(ix) an order made, or warrant or authorisation granted, under or by virtue of the Children’s Hearings (Scotland) Act 2011 to remove the child to a place of safety or to secure accommodation (those expressions having the meanings given by section 202(1) of that Act), to keep the child at such a place or in such accommodation, or to prevent the removal of the child from a place where the child is being accommodated (or an order continuing, varying or discharging any order, warrant or authorisation so made or granted).”; and
  - (b) for paragraph 6 substitute—
    - “6. A compulsory supervision order (as defined in section 83 of the Children’s Hearings (Scotland) Act 2011) and any order made by a court in England and Wales or in Northern Ireland which, by virtue section 190 of that Act has effect as if it were a compulsory supervision order.”.

###### **Children Act 1989**

- 2.—(1) The Children Act 1989(2) is amended as follows.
- (2) In section 31(7)(b) (care and supervision orders), for sub-paragraph (iii) substitute—
  - “(iii) a compulsory supervision order or interim compulsory supervision order as defined by sections 83 and 86 of the Children’s Hearings (Scotland) Act 2011.”.
- (3) In section 51(7) (refuges for children at risk), for paragraph (b) substitute—
  - “(b) articles 9, 10 and 11 of the Children’s Hearing (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013, so far as they apply to anything done in England and Wales;”.
- (4) In Schedule 8 (privately fostered children) in paragraph 3, for sub-paragraph (b) substitute—
  - “(b) a compulsory supervision order or interim compulsory supervision order as defined by sections 83 and 86 of the Children’s Hearings (Scotland) Act 2011.”.

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(1) 1985 c.60.  
(2) 1989 c.41.

*Status: This is the original version (as it was originally made).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

### **Armed Forces Act 1991**

3. In section 21(4)(b) of the Armed Forces Act 1991(3) (duration of protection orders), for “the Children (Scotland) Act 1995” substitute “the Children’s Hearings (Scotland) Act 2011”.

### **Social Security Contributions and Benefits Act 1992**

4.—(1) The Social Security Contributions and Benefits Act 1992(4) is amended as follows.

(2) In section 143(3)(c) (disregard of days of absence in the case of children in residential accommodation in pursuance of arrangements made under the specified enactments)(5), for subparagraph (vii) and the word “or” immediately preceding it substitute—

“(vii) the Children (Scotland) Act 1995; or

(viii) the Children’s Hearings (Scotland) Act 2011.”

(3) In paragraph 1 of Schedule 9 (exclusions from entitlement to child benefit)(6) for subparagraph (b) substitute—

“(b) is subject to a compulsory supervision order (within the meaning of section 83 of the Children’s Hearings (Scotland) Act 2011) and is residing in a residential establishment (within the meaning of section 202(1) of that Act);”

### **Children (Scotland) Act 1995**

5. In section 93(1) (interpretation of Part 2) of the 1995 Act(7), in the definition of “residential establishment”, at the end of paragraph (a), insert “or the Children’s Hearings (Scotland) Act 2011;”.

### **National Minimum Wage Act 1998**

6. In section 44(4) of the National Minimum Wage Act 1998(8) (voluntary workers) in the definition of “statutory body”, after “legislation” insert “and includes the Children’s Panel”.

### **Private Security Industry Act 2001**

7. In paragraph 4A(1)(b) of Schedule 2 (activities liable to control under the Act) to the Private Security Industry Act 2001(9), for the words from “under” to the end substitute “to the sheriff by virtue of section 93(2)(a) or 94(2)(a) of the Children’s Hearings (Scotland) Act 2011.”

### **Tax Credits Act 2002**

8. In paragraph 10A(2)(b) of Schedule 5 (use and disclosure of information) to the Tax Credits Act 2002(10), after “1995” insert “, or Part 5, 6, 13 or 14 of the Children’s Hearings (Scotland) Act 2011.”

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(3) 1991 c.62.

(4) 1992 c.4.

(5) Section 143(3)(c) was amended by: the Child Benefit Act 2005 (c.6), Schedule 2(1), paragraph 1; the Social Security (Consequential Provisions) Act 1992 (c.6), Schedule 4(I), paragraph 5; the National Health Service (Consequential Provisions) Act 2006 (c.43).

(6) Paragraph 1 was amended by the Child Benefit Act 2005 (c.6), Schedule 1(1), paragraph 17(2).

(7) 1995 c.36. Section 39 is prospectively amended by the Children’s Hearings (Scotland) Act 2011, asp 1, schedule 5, paragraph 2(6).

(8) 1998 c.39.

(9) 2001 c.12. Paragraph 4A was inserted by the Serious Organised Crime and Police Act 2005 (c.15), Schedule 15, paragraph 14(c).

(10) 2002 c.21. Paragraph 10A was inserted by the Children Act 2004 (c.31), section 63(1).

### **Adoption and Children Act 2002**

**9.** In section 46(2) (adoption orders) of the Adoption and Children Act 2002(**11**), after paragraph (c) insert—

- “(ca) any child assessment order or child protection order within the meaning given in section 202(1) of the Children’s Hearing (Scotland) Act 2011,”.

### **Income Tax (Trading and Other Income) Act 2005**

**10.** In section 806 of the Income Tax (Trading and Other Income) Act 2005(**12**) (meaning of providing foster care)—

- (a) for subsection (2) substitute—

“(2) An individual is a foster carer if the child is placed with the individual by virtue of a compulsory supervision order or interim compulsory supervision order, or under any of the following enactments, unless the individual is excluded by subsection (5).”;

- (b) in subsection (3), omit paragraph (c);

- (c) for subsection (4), substitute—

“(4) An individual is also a foster carer if the individual is approved as a foster carer by a local authority or a voluntary organisation in accordance with regulations under section 5 of the Social Work (Scotland) Act 1968, and the child in respect of whom the accommodation is provided—

- (a) is being looked after by a local authority within the meaning of section 17(6) of the Children (Scotland) Act 1995, or

- (b) is subject to an order or warrant made by the children’s hearing or sheriff under the Children’s Hearings (Scotland) Act 2011,

unless the individual is excluded by subsection (5).”;

- (d) after subsection (5) insert—

“(6) 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.”.

### **Corporate Manslaughter and Corporate Homicide Act 2007**

**11.** In section 7(2) (child-protection and probation functions) of the Corporate Manslaughter and Corporate Homicide Act 2007(**13**), after paragraph (b) insert—

- “(ba) the Children’s Hearings (Scotland) Act 2011,”.

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(11) 2002 c.38.

(12) 2005 c.5.

(13) 2007 c.19.