

*Draft Order laid before the Scottish Parliament under section 204(3) of the Children's Hearings (Scotland) Act 2011 and section 18(4) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003 for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**CHILDREN AND YOUNG PERSONS**

The Children's Hearings (Scotland) Act 2011  
(Consequential Provision) and Public Appointments  
and Public Bodies etc. (Scotland) Act 2003  
(Amendment of Specified Authorities) Order 2011

*Made* - - - -

*Coming into force* - - 18th April 2011

The Scottish Ministers make the following Order in exercise of the power conferred by section 204 of the Children's Hearings (Scotland) Act 2011(1), section 3(2)(a) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003(2) and all other powers enabling them to do so.

In accordance with section 204(3) of the Children's Hearings (Scotland) Act 2011 and section 18(4) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. This Order may be cited as the Children's Hearings (Scotland) Act 2011 (Consequential Provision) and Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Amendment of Specified Authorities) Order 2011 and shall come into force on 18th April 2011.

**Amendment of the Social Work (Scotland) Act 1968 (c.49)**

2. In section 6A(1) of the Social Work (Scotland) Act 1968 (inquiries)(3)—
- (a) immediately following paragraph (d) omit "or";

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(1) 2011 asp 1. The power in section 204 of the Children's Hearings (Scotland) Act 2011 is exercised as regards of article 2.  
(2) 2003 asp 4.  
(3) Section 6A was inserted by the National Health Service and Community Care Act 1990 (c.19), section 54 and amended by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 15(7), the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 c.40, Schedule 4, paragraph 6(3), the Regulation of Care (Scotland) Act 2001 asp 8, Schedule 4, paragraph 1, and the Adoption and Children (Scotland) Act 2007 asp 4 Schedule 2, paragraph 2(3).

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Children's Hearings (Scotland) Act 2011 (Consequential Provision) and Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Amendment of Specified Authorities) Order 2011 No. 186*

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(b) after paragraph (e) insert—

“; or

(c) the functions conferred on the National Convener of Children's Hearings Scotland by virtue of the Children's Hearings (Scotland) Act 2011 (asp 1).”.

**Amendment of the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)**

**3.** In schedule 2 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (specified authorities), after the entry relating to the Bòrd na Gàidhlig insert—

“Children's Hearings Scotland”.

St Andrew's House,  
Edinburgh

Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is made under both section 204 of the Children's Hearings (Scotland) Act 2011 ("the 2011 Act") and section 3(2)(a) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003 ("the 2003 Act").

Using the powers conferred by section 204 of the 2011 Act article 2 amends section 6A of the Social Work (Scotland) Act 1968 so as to add to the list of functions, into which the Scottish Ministers may cause an inquiry to be held, the functions of the National Convener under the 2011 Act.

Using the powers conferred by section 3 of the 2003 Act article 3 adds to schedule 3 to the 2003 Act, which lists those bodies that are "specified authorities" for the purpose of that Act, Children's Hearings Scotland.