

2009 No. 169

CHILDREN AND YOUNG PERSONS

The Adoption and Children (Scotland) Act 2007 (Supervision Requirement Reports in Applications for Permanence Orders) Regulations 2009

Made - - - - - *29th April 2009*
Laid before the Scottish Parliament *30th April 2009*
Coming into force - - - *28th September 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 95(2) of the Adoption and Children (Scotland) Act 2007(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Adoption and Children (Scotland) Act 2007 (Supervision Requirement Reports in Applications for Permanence Orders) Regulations 2009 and come into force on 28th September 2009.

Interpretation

2. In these Regulations—

“the 1995 Act” means the Children (Scotland) Act 1995(b); and

“relevant local authority” has the same meaning as in section 93(1) of the 1995 Act.

Supervision requirement report

3.—(1) The information prescribed for the purposes of section 95(2) of the Adoption and Children (Scotland) Act 2007 to be contained in the report prepared by the children’s hearing is—

- (a) the terms of the proposed supervision requirement and the reasons for making it;
- (b) the terms of any current supervision requirement;
- (c) the terms of any proposed modification of any current supervision requirement and the reasons for making that modification; and
- (d) the report of the proceedings of the children’s hearing prepared in accordance with rule 31(1) of the Children’s Hearings (Scotland) Rules 1996(c).

(2) In paragraph (1)(a), (b) and (c) “terms” includes—

(a) 2007 asp 4.
(b) 1995 c.36.
(c) S.I. 1996/3261.

- (a) any condition contained in the supervision requirement under section 70(3)(b) of the 1995 Act;
- (b) any residence requirement contained in the supervision requirement under section 70(3)(a) of the 1995 Act; and
- (c) any duties imposed on the relevant local authority and specified in the supervision requirement under section 70(3A) of the 1995 Act.

ADAM INGRAM

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
29th April 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the information which must be contained in the report prepared by the children's hearing under section 95 of the Adoption and Children (Scotland) Act 2007. The report must be prepared where the children's hearing proposes to make a supervision requirement or modify an existing supervision requirement in respect of a child who is the subject of an application for a permanence order or for the variation of such an order. The report by the children's hearing is prepared for the court to which the permanence order application has been made.

Under regulation 3(1) the report must contain the terms of: the proposed new supervision requirement; any existing supervision requirement; and any proposed modification to an existing supervision requirement. The report must state the reasons for making a new supervision requirement or modifying an existing one. The report must also contain the report of the proceedings of the children's hearing prepared by the Principal Reporter under rule 31 of the Children's Hearings (Scotland) Rules 1996 (S.I. No. 3261). Under regulation 3(2) the terms of a supervision requirement in regulation 3(1) includes any conditions, residence requirements or duties imposed on local authorities which are contained in the supervision requirement.

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