
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 150

The Children's Hearings (Scotland) Act 2011 (Transitional, Savings and Supplementary Provisions) Order 2013

PART 2

GENERAL PROVISIONS

Proceedings in progress under the 1995 Act

2.—(1) Subject to paragraphs (3) and (4) and the following provisions of this Order, the enactments specified in paragraph (2) continue to apply for all purposes on and after the relevant date as they would have applied immediately before the relevant date to relevant proceedings in relation to a child which have commenced but on the relevant date have not concluded, until those proceedings have concluded.

(2) The enactments specified for the purposes of paragraph (1) are—

- (a) the 1995 Act;
- (b) any subordinate legislation made wholly or partly under the 1995 Act;
- (c) section 29 of the 1986 Act; and
- (d) the Legal Aid (Scotland) (Children) Regulations 1997⁽¹⁾.

(3) Section 48 (transfer of case to another children's hearing) of the 1995 Act does not apply to relevant proceedings falling within paragraph (1).

(4) Paragraph (2)(b) does not include any rules of court made by Act of Sederunt under section 91 of the 1995 Act and—

- (a) section 5 of the Court of Session Act 1988⁽²⁾ (power to regulate procedure etc. by Act of Sederunt); or
- (b) section 32 of the Sheriff Courts (Scotland) Act 1971⁽³⁾ (power of Court of Session to regulate civil procedure in sheriff court).

(5) Where any enactment that contains provision applicable to relevant proceedings is repealed or modified, such repeal or modification does not have effect for the purposes of those relevant proceedings until those proceedings have concluded.

(1) S.I. 1997/690.
(2) 1988 c.36.
(3) 1971 c.58.