

SCHEDULE 1

MODIFICATION OF PRIMARY LEGISLATION

Children (Scotland) Act 1995

9.—(1) The Children (Scotland) Act 1995⁽¹⁾ is amended as follows.

(2) In section 3(4) (parental responsibilities and parental rights: effect on actings where certain orders granted in relation to child or child's property)⁽²⁾, from “supervision” to the end substitute “compulsory supervision order or interim compulsory supervision order (as defined in sections 83 and 86 respectively of the Children's Hearings (Scotland) Act 2011 (asp 1)) that is in force in relation to the child.”.

(3) In section 17(6)(d) (duty of local authority to child looked after by them: meaning of “looked after”)⁽³⁾ after “Act” insert “or section 190 of the Children's Hearings (Scotland) Act 2011 (asp 1) (effect of Orders made outwith Scotland)”.

(4) In section 93(1) (interpretation of Part 2 of Act)⁽⁴⁾—

(a) in the definition of “residential establishment”, in paragraph (c), from “a”, where it second occurs, to the end substitute—

“(i) a private children's home within the meaning of the Children (Northern Ireland) Order 1995 (S.I. 1995/755),

(ii) an authority home provided under Part VII of that Order, or

(iii) a voluntary home provided under Part VIII of that Order,”; and

(b) in the definition of “secure accommodation”, from “in”, where it first occurs, to the end, substitute—

“for the purpose of restricting the liberty of children which—

(a) in Scotland, is provided in a residential establishment approved in accordance with regulations made under section 78(2) of the Public Services Reform (Scotland) Act 2010 (asp 8),

(b) in England, is provided in a children's home (within the meaning of the Care Standards Act 2000 (c.14) (“the 2000 Act”)) in respect of which a person is registered under Part 2 of that Act, except that before the coming into force of section 107(2) of the Health and Social Care (Community Health Standards) Act 2003 (c.43), “secure accommodation” means accommodation in relation to England which—

(i) is provided in a children's home (within the meaning of the 2000 Act) in respect of which a person is registered under Part 2 of that Act, and

(ii) is approved by the Secretary of State for the purpose of restricting the liberty of children,

(c) in Wales, is provided in a children's home (within the meaning of the 2000 Act) in respect of which a person is registered under Part 2 of that Act.”.

(1) 1995 c.36.

(2) There are amendments to section 3 which are not relevant to this Order.

(3) Section 17(6) has been amended by the Adoption and Children (Scotland) Act 2007 (asp 4), schedule 2, paragraph 9(4) and is prospectively amended by the Children's Hearings (Scotland) Act 2011 (asp 1), schedule 5, paragraph 2(4).

(4) There are amendments to section 93 which are not relevant to this Order.