

## **POLICY NOTE**

### **THE CHILDREN'S HEARINGS (SCOTLAND) ACT 2011 (MODIFICATION OF SUBORDINATE LEGISLATION) ORDER 2014**

#### **SSI 2014/112**

1. The above instrument ("the Order") is made in exercise of the powers conferred by section 204 of the Children's Hearings (Scotland) Act 2011 ("the 2011 Act"). The Order is subject to negative resolution procedure.

#### **Legislative Background**

2. The 2011 Act repeals and replaces most of Chapter 3 of Part II of the Children (Scotland) Act 1995 ("the 1995 Act") and strengthens and modernises Scotland's Children's Hearings System by introducing a number of procedural changes. The Children's Hearings (Scotland) Act 2011 (Modification of Subordinate Legislation Order 2013 (SI 2013/147) ("the 2013 Order") made amendments to subordinate legislation in consequence of the change from the 1995 Act to the 2011 Act system. It updated relevant pieces of subordinate legislation with appropriate cross-references to the new 2011 Act provisions and its terminology. For example, references in certain legislation to supervision requirements under the 1995 Act were replaced with references to the new compulsory supervision order (and interim compulsory supervision order where appropriate) which was created by the 2011 Act.

#### **Policy Objectives**

3. The Order provides for some additional consequential modifications that require to be made to the Adoption Agencies (Scotland) Regulations 2009 and the Looked After Children (Scotland) Regulations 2009 which were overlooked in the 2013 Order. These Regulations were previously consequentially amended by paragraphs 10 and 11 respectively of Schedule 1 to the 2013 Order. The Schedule to this Order updates the relevant provisions in both these sets of Regulations to make appropriate cross-references to the 2011 Act provisions and its terminology. The substantive policy behind the provisions is not affected.

#### **Commencement**

4. The Order will come into effect on 2<sup>nd</sup> June 2014.

#### **Consultation**

5. A formal consultation exercise was not undertaken given the technical nature of the Order.

#### **Impact Assessments**

6. It has not been considered necessary to prepare an equality impact assessment for this instrument as it has no effect on equality issues.

## **Financial Effects**

7. It is envisaged that there will be no financial effects on the Scottish Government, local government or on business with regard to the provisions in the Regulations.

Scottish Government  
Children and Families Directorate  
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