
STATUTORY INSTRUMENTS

2013 No. 1465

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

Transfer of child from Scotland to England or Wales: effect of compulsory supervision order

13.—(1) This article applies where—

- (a) a child is subject to a compulsory supervision order and notification is given under section 134(2) of the 2011 Act (duty to initiate review if child taken out of Scotland) that it is proposed to move the child to England or Wales;
- (b) a children's hearing continues the compulsory supervision order under section 138 of the 2011 Act (powers of children's hearing on review) following a review initiated under section 134(3) of that Act;
- (c) the Principal Reporter has notified in writing the local authority in England or Wales under whose care, supervision or education supervision the child would be, and in whose area it is proposed the child will reside, after the proposed transfer; and
- (d) the local authority has consented to the proposed transfer by informing the Principal Reporter in writing.

(2) The 1989 Act applies, in relation to a compulsory supervision order to which section 145(1) of the 2011 Act applies (duty where order requires child to reside in certain place), as it applies in relation to a supervision order (as defined in section 31(11) of the 1989 Act).

(3) The 1989 Act applies, in relation to a compulsory supervision order to which section 145(1) of the 2011 Act does not apply, as it applies in relation to a care order (as defined in section 31(11) of the 1989 Act).

(4) The 1989 Act applies, in relation to a compulsory supervision order which falls within paragraph (5), as it applies in relation to an education supervision order (as defined in section 36(2) of the 1989 Act).

(5) A compulsory supervision order falls within this paragraph if—

- (a) the child to whom the order relates is of compulsory school age (as determined in accordance with section 8 of the Education Act 1996); and
- (b) the order was made after acceptance or establishment of the ground mentioned in section 67(2)(o) of the 2011 Act (failure to attend school regularly).

(6) Where paragraph (2), (3) or (4) applies, the compulsory supervision order ceases to have effect for the purposes of the law of Scotland.

(7) The reference in paragraph (5)(b) to the ground mentioned in section 67(2)(o) of the 2011 Act being accepted or established includes a reference to the ground being accepted or established by virtue of section 70(2)(a) (requirement under Antisocial Behaviour etc. (Scotland) Act 2004) or 71(3) (a) (case remitted under section 49 of the Criminal Procedure (Scotland) Act 1995) of the 2011 Act.