



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 13

#### REVIEW OF COMPULSORY SUPERVISION ORDER

##### *Requirement for review*

- 132** **[<sup>F1</sup>Right to require review: child, relevant person and person afforded opportunity to participate]**
- (1) This section applies where a compulsory supervision order is in force in relation to a child.
  - (2) The child may by giving notice to the Principal Reporter require a review of the order.
  - (3) A relevant person in relation to the child may by giving notice to the Principal Reporter require a review of the order.
- [<sup>F2</sup>(3A) An individual who is entitled to do so by subsection (6) may by giving notice to the Principal Reporter require a review of the order.]
- (4) The order may not be reviewed—
    - (a) during the period of 3 months beginning with the day on which the order is made,
    - (b) if the order is continued or varied, during the period of 3 months beginning with the day on which it is continued or varied.
  - (5) The Scottish Ministers may by regulations provide that, despite subsection (4), where the order includes a secure accommodation authorisation, the order may be reviewed during a period specified in the regulations.
- [<sup>F3</sup>(6) An individual is entitled to require a review under subsection (3A) if—
- (a) the Principal Reporter was satisfied at the relevant time, or
  - (b) a pre-hearing panel or children's hearing determined,
- that the individual met the criteria to be afforded an opportunity to participate in relation to the children's hearing that most recently made a decision in respect of the order (whether that was a decision to make, vary or continue it).

*Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 132 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (7) Where a children's hearing is arranged as a result (solely or partly) of an individual requiring a review under subsection (3A), the individual is to be treated as an individual whom a pre-hearing panel has determined meets the criteria to be afforded an opportunity to participate in relation to the children's hearing.
- (8) For the purposes of subsections (6) and (7)—
- (a) “the criteria to be afforded an opportunity to participate” means the criteria specified in rules under section 177 to be afforded the rights mentioned in section 79(5ZA) in relation to a children's hearing,
  - (b) “the relevant time” means—
    - (i) the time when the children's hearing referred to in subsection (6) began, or
    - (ii) if more than one children's hearing is to be regarded as a single children's hearing by virtue of paragraph (c), the time when any one of them began,
  - (c) if the children's hearing that most recently made a decision in respect of the order was a subsequent children's hearing arranged as a result of an earlier children's hearing deferring making a decision, they are to be regarded as a single children's hearing.]

#### **Textual Amendments**

- F1** S. 132 heading substituted (26.7.2021) by virtue of [Children \(Scotland\) Act 2020 \(asp 16\)](#), **ss. 25(4)(c)**, 34(2); S.S.I. 2020/412, reg. 2(2)(c)
- F2** S. 132(3A) inserted (26.7.2021) by [Children \(Scotland\) Act 2020 \(asp 16\)](#), **ss. 25(4)(a)**, 34(2); S.S.I. 2020/412, reg. 2(2)(c)
- F3** S. 132(6)-(8) inserted (26.7.2021) by [Children \(Scotland\) Act 2020 \(asp 16\)](#), **ss. 25(4)(b)**, 34(2); S.S.I. 2020/412, reg. 2(2)(c)

#### **Commencement Information**

- I1** S. 132 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

**Changes to legislation:**

Children's Hearings (Scotland) Act 2011, Section 132 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)