

CORONAVIRUS (SCOTLAND) ACT 2020

EXPLANATORY NOTES

DETAIL ABOUT PROVISIONS

Schedule 3 - Children and vulnerable adults

Part 1 - Children

Maximum period for which a compulsory supervision order has effect

56. Under section 83(1) of the 2011 Act, a compulsory supervision order is an order authorising certain measures in relation to a child (subsection (2)) which must be implemented by a specified local authority. Section 83(7) of the 2011 Act provides that a compulsory supervision order ceases to have effect, if it has not been continued, the day one year after the day on which the order is made, or the day on which the child attains the age of 18 years (if earlier). Where the order has previously been continued, it expires at the end of the period for which the order was last continued, or on the day on which the child turns 18 (if earlier). Section 133 requires the Principal Reporter to initiate a review of a compulsory supervision order where the order will expire within 3 months and would not otherwise be reviewed before it expires.
57. This means a child's order could lapse if an order was not able to be reviewed and continued within the period referred to in section 83(7).
58. Paragraph 3(2) of schedule 3 modifies section 83 of the 2011 Act to provide that no compulsory supervision order shall lapse if its original end date has passed, except where it has not otherwise been reviewed and continued within 6 months of its expiry date.
59. This means that if an order has not been continued within its current lifespan, the order will not expire, unless the child has attained the age of 18 years.
60. Paragraph 3(3) modifies section 133 of the 2011 Act to provide that the Principal Reporter must initiate a hearing as soon as practicable.
61. Paragraph 3(4) provides that the modifications in paragraphs 3(2) and (3) apply to a compulsory supervision order (as defined in paragraph 3(5)) which was in effect the day before paragraph 3 comes into force or any such order which is made on or after that date.