
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 150

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

PART 5

TRANSITIONAL AND SAVINGS PROVISIONS RELATING TO THE 1994 ACT

The Principal Reporter

20.—(1) Where immediately before the relevant date there is a person appointed to the office of Principal Reporter under section 128(4) of the 1994 Act (the Scottish Children's Reporter Administration), that person is to be treated for all purposes on or after the relevant date as if appointed in accordance with paragraph 8 of schedule 3 to the 2011 Act (the Scottish Children's Reporter Administration).

(2) Where relevant proceedings are commenced before the relevant date, a person who is to be treated as having been appointed to the office of Principal Reporter under the 2011 Act in accordance with paragraph (1) is, on or after the relevant date, to retain any functions conferred on the Principal Reporter by the 1995 Act or any other enactment for the purposes of those proceedings.

Delegation of Principal Reporter's functions

21.—(1) Where immediately before the relevant date there are officers appointed under section 128(5) of the 1994 Act to assist the Principal Reporter, those officers are to be treated for all purposes on or after the relevant date as if employed by SCRA in accordance with paragraph 11 of schedule 3 to the 2011 Act.

(2) Any function of the Principal Reporter, which immediately before the relevant date was delegated to an officer under section 131 of the 1994 Act (delegation of Principal Reporter's functions), is to be treated for all purposes on or after the relevant date as if it had been delegated to that officer under paragraph 10 of schedule 3 to the 2011 Act.

Reporters appeal against dismissal

22.—(1) Subject to paragraph (3), section 129 of the 1994 Act (appeal against dismissal of Principal Reporter and other officers) and the Reporters (Appeals against Dismissal) (Scotland) Regulations 1997(1) continue to apply for all purposes on or after the relevant date where—

- (a) before the relevant date a person to whom those Regulations apply has received notification of dismissal by SCRA(2); and
- (b) an appeal against that dismissal under section 129 of the 1994 Act has been instituted.

(1) [S.I. 1997/729](#). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) SCRA is referred to in the 1997 Regulations as "the Administration".

(2) For the purposes of paragraph (1)(b), an appeal against dismissal instituted on or after the relevant date is to be treated as if it were an appeal under section 129 of the 1994 Act.

(3) The provisions specified in paragraph (1) continue to apply until—

- (a) the appeal is determined by the Scottish Ministers; or
- (b) the appeal is withdrawn.

Members of Scottish Children’s Reporter Administration

23.—(1) Subject to paragraph (2), where immediately before the relevant date there are persons appointed as members of SCRA⁽³⁾ in accordance with paragraph 3 of Schedule 12 to the 1994 Act (status, constitution and proceedings of the Scottish Children’s Reporter Administration), those persons are to be treated for all purposes on or after the relevant date as if appointed in accordance with paragraph 2 of schedule 3 to the 2011 Act.

(2) Paragraph (1) does not apply to the Principal Reporter.

(3) The person appointed as chairman in accordance with paragraph 7 of Schedule 12 to the 1994 Act is to be treated for all purposes on or after the relevant date as if appointed as the chairing member in accordance with paragraph 7 of schedule 3 to the 2011 Act.

Directions

24. Any direction given by the Scottish Ministers to SCRA under section 134 of the 1994 Act⁽⁴⁾ (directions by the Secretary of State) before the relevant date is to be treated for all purposes, with effect from the relevant date, as if it had been given under section 23 of the 2011 Act (directions).

(3) SCRA is referred to in the 1994 Act as “the Administration”.

(4) The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).