
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

**The Children’s Hearings (Scotland) Act 2011 (Transfer
of Children to Scotland – Effect of Orders made in
England and Wales or Northern Ireland) Regulations 2013**

Effect of care orders made in Northern Ireland

5.—(1) This regulation applies where—

- (a) a child is subject to a care order made under article 50(1)(a) of the 1995 Order;
- (b) the court has given approval under article 33(1) of the 1995 Order to the authority to arrange, or assist in arranging, for the child to live in Scotland;
- (c) the local authority for the area in which the child is to reside, or has moved to, in Scotland (“the receiving local authority”) has, through the Principal Reporter, notified the court in writing that it agrees to take over the care of the child; and
- (d) the authority has notified the court that it agrees to the receiving local authority taking over the care of the child.

(2) The care order has effect as if it were a compulsory supervision order.

(3) In this regulation—

“court” means the court which has given the approval in terms of article 33(1) of the 1995 Order; and

“authority” means, in relation to Northern Ireland, a Health and Social Care trust established by article 10(1) of the Health and Personal Social Services (Northern Ireland) Order 1991(1) and renamed by article 1(3) of the Health and Social Care (Reform) Act (Northern Ireland) 2009(2).

(1) [S.I. 1991/194 \(N.I. 1\)](#). Section 10(1) was relevantly amended by section 43(1) of the Health and Personal Social Services Act (Northern Ireland) 2001 (c.3).

(2) [2009 c.1 \(N.I.\)](#).