DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

The Cross-border Placements (Effect of Deprivation of Liberty Orders) (Scotland) Regulations 2022

Deprivation of liberty order made, or continued, on or after day Regulations come into force

5.—(1) This paragraph applies where a relevant circumstance as specified in paragraph (2) occurs and the circumstance specified in paragraph (3) applies.

(2) A "relevant circumstance" occurs when a deprivation of liberty order—

(a) which was recognised and enforceable in Scotland as mentioned in paragraph (1) of regulation 4 is, before the end of the period mentioned in paragraph (2)(c) of that regulation, reviewed and continued in effect beyond the end of that period by the court which made the order, or

(b) is made on or after the day on which these Regulations come into force.

(3) The circumstance in this paragraph is that regulation 7 has been complied with in relation to the deprivation of liberty order.

(4) Paragraph (1) ceases to apply—

(a) on the deprivation of liberty order ceasing to have effect in the jurisdiction of the court which made the order, or

(b) where the occurrence mentioned in paragraph (a) does not happen within a relevant period, at the end of the relevant period unless the deprivation of liberty order is, on or before the last day of the relevant period, reviewed and continued in effect beyond the end of the relevant period by the court which made the order.

(5) The "relevant period" is—

(a) where the deprivation of liberty order has not previously been reviewed and continued in effect by the court which made the order, the period of three months beginning with the day on which the order was made,

(b) otherwise, the period of three months beginning the day on which the order was reviewed and continued in effect, or last reviewed and continued in effect, by the court which made the order.

(6) In this regulation, references to a deprivation of liberty order being "continued in effect" include references to that order being extended.