
STATUTORY INSTRUMENTS

1996 No. 3260 (S.250)

CHILDREN AND YOUNG PERSONS

Children's Hearings (Transmission of Information etc.) (Scotland) Regulations 1996

<i>Made</i>	- - - -	<i>18th December 1996</i>
<i>Laid before Parliament</i>		<i>31st December 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1997</i>

The Secretary of State, in exercise of the powers conferred on him by sections 17(1), 40(3), 42(1) and 74 of the Children (Scotland) Act 1995(1) and of all other powers enabling him in that behalf, and after consulting the Council on Tribunals, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Children's Hearings (Transmission of Information etc.) (Scotland) Regulations 1996 and shall come into force on 1st April 1997.

Interpretation

2. In these Regulations unless the context otherwise requires—

“the Act” means the Children (Scotland) Act 1995;

“the Children's Hearings Rules” means the Children's Hearings (Scotland) Rules 1996(2);

“children's hearing” is a children's hearing as defined in section 39(3) of the Act;

“child” has the meaning given to that term by section 93(2)(b) of the Act;

“compulsory measures of supervision” has the meaning given to that term by section 93(1) of the Act;

“place of safety” has the meaning given to that term by section 93(1) of the Act;

“Principal Reporter” has the meaning given to that term by section 93(1) of the Act;

“relevant local authority” has the meaning given to that term by section 93(1) of the Act;

“relevant person” has the meaning given to that term by section 93(2)(b) of the Act;

“residential establishment” has the meaning given to that term by section 93(1) of the Act;

(1) 1995 c. 36.

(2) S.I. 1996/3261.

“responsible for” means any person who, by virtue of a supervision requirement, has or is to have control over the child;

“supervision requirement” has the meaning given to that term by section 70(1) of the Act.

Transmission by relevant local authority of information on child subject to supervision requirement

3.—(1) Where—

- (a) in any case a children’s hearing have made, continued or varied or inserted a requirement in a supervision requirement in respect of a child; and
- (b) a person other than the relevant local authority or a relevant person in relation to the child is responsible for a child under that requirement; and
- (c) it appears to the relevant local authority that any report on the child and his social background put to the children’s hearing for their consideration of the case would assist that person in the care and supervision of the child,

the relevant local authority shall, as soon as reasonably practicable after they receive notice under rule 21 of the Children’s Hearings Rules of the making, continuation or variation or insertion of a requirement in the requirement, give a copy of that report to that person.

(2) Where at any time while a supervision requirement is in force in respect of a child it appears to the relevant local authority that any information they have about the child or his circumstances is relevant to the care of the child, they shall make that information available to any person who is responsible for the care of the child in terms of the supervision requirement.

Temporary accommodation of child subject to supervision requirement

4.—(1) Where—

- (a) a children’s hearing have made, continued or varied or inserted a requirement in a supervision requirement; and
- (b) a child is required to reside in a residential establishment or other place specified in the requirement; but
- (c) the relevant local authority are unable to make immediate arrangements for his reception in that establishment or place,

the relevant local authority may arrange for the child to be temporarily accommodated in some suitable place, other than that specified in the requirement, for any period not exceeding 22 days commencing on the date of the making, continuation or variation or insertion of a requirement in the requirement.

(2) If it appears to the relevant local authority that they will be unable to make the arrangements mentioned in paragraph (1)(c) above before the expiry of the period of 22 days specified, the authority shall, before that period has expired, refer the case of the child to the Principal Reporter under section 73(4) of the Act on the ground that the supervision requirement ought to be reviewed.

(3) Where the relevant local authority refer the case of a child to the Principal Reporter under paragraph (2) above—

- (a) the Principal Reporter shall under section 73(8) of the Act arrange for a children’s hearing to review the supervision requirement as soon as is reasonably practicable and in any event within seven days of the date of receipt of the reference by the authority; and
- (b) where the date of the sitting of the children’s hearing arranged by virtue of sub-paragraph (a) above occurs after the expiry of the period of 22 days mentioned in

paragraph (1) above, that period shall be deemed to extend to the date on which the children's hearing sits.

Conveyance by the relevant local authority of a child to a residential establishment etc

5. Whenever it is necessary to convey a child—
- (a) to a residential establishment or other place in which he is required to reside by virtue of a supervision requirement;
 - (b) to any place to which he falls to be taken under subsection (1) or (5) of section 82 (recovery of certain fugitive children) of the Act; or
 - (c) to any person to whom he falls to be returned under subsection (3) of that section,

it shall be the duty of the relevant local authority to ensure that the child is conveyed to that establishment or place or to that person.

St Andrew's House,
Edinburgh
18th December 1996

James Douglas-Hamilton
Minister of State, Scottish Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-enact with amendments rules 11, 12 and 13 of the Reporter's Duties and Transmission of Information etc. (Scotland) Rules 1971 (S.I.1971/525). These Regulations are made inter alia under section 74 of the Children (Scotland) Act 1995, which replaces section 45 of the Social Work (Scotland) Act 1968 (1968 c. 49). That section provides for regulations in respect of children subject to supervision requirements made by children's hearings which are governed by the Children (Scotland) Act 1995.

Regulation 3 provides for local authorities to pass on reports or other relevant information to persons responsible for a child under a supervision order.

Regulation 4 obliges local authorities in specified circumstances to arrange temporary accommodation when they cannot find an immediate place at an establishment detailed in a supervision order, failing which to refer the matter back to the Principal Reporter to deal with.

Regulation 5 obliges local authorities to arrange conveyance for a child to an establishment specified in a supervision order or under section 82 of the Children (Scotland) Act 1995 to a place of safety.