
STATUTORY INSTRUMENTS

1996 No. 3267

The Children (Reciprocal Enforcement of Prescribed Orders etc. (England and Wales and Northern Ireland)) (Scotland) Regulations 1996

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Children (Reciprocal Enforcement of Prescribed Orders etc. (England and Wales and Northern Ireland)) (Scotland) Regulations 1996 and shall come into force on 1st April 1997.

(2) In these Regulations—

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

“the 1995 Order” means the Children (Northern Ireland) Order 1995(1);

“the 1969 Act” means the Children and Young Persons Act 1969(2);

“the 1989 Act” means the Children Act 1989(3);

“the Northern Ireland 1968 Act” means the Children and Young Persons Act (Northern Ireland) 1968(4);

“the 1950 Act” means the Probation Act (Northern Ireland) 1950(5);

“authority” means in relation to Northern Ireland a Health and Social Service Board established under article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(6);

“corresponding England and Wales Order” means the order as described in column 2 of Schedule 4 and listed under the number corresponding to the number under which the Scottish supervision requirement or parental responsibilities order is listed in column 1 of that Schedule;

“corresponding Northern Ireland Order” means the order or alternative orders described in column 2 of Schedule 5 and listed under the number corresponding to the number under which the Scottish supervision requirement or parental responsibilities order is listed in column 1 of that Schedule; and

“supervision requirement” has the meaning given to that term by section 93(1) of the Act.

(3) In these Regulations, unless the context requires otherwise, any reference to a numbered regulation or Schedule is to the regulation or Schedule in these Regulations bearing that number and any reference in any regulation to a numbered paragraph is to the paragraph of that regulation bearing that number.

(4) This regulation and regulations 2 and 4 shall extend to England and Wales.

(5) This regulation and regulations 3 and 5 shall extend to Northern Ireland.

(1) S.I.1995/755 (N.I.2).

(2) 1969 c. 54.

(3) 1989 c. 41.

(4) 1968 c. 34 (N.I.).

(5) 1950 c. 7 (N.I.).

(6) S.I. 1972/1265 (N.I.14).

Transfer of care etc. orders from England and Wales to Scotland

2.—(1) The orders listed in Schedule 1 (being orders made by a court in England and Wales which appear to the Secretary of State to correspond generally to a supervision requirement made under the Act) shall have effect in the circumstances prescribed in paragraphs (2) and (3) for all the purposes of the Act in Scotland as if they were supervision requirements under section 70(1) of the Act made by a children’s hearing for the local authority in whose area it is proposed the child or young person is to live.

(2) The circumstances referred to in paragraph (1) are that the court has given its approval under paragraph 19(1) of Schedule 2 to the 1989 Act or section 26A(7) of the 1969 Act in respect of the orders listed in Schedule 1 to the authority arranging or assisting in arranging for the child or young person to live in Scotland, and for the purposes of this paragraph the 1969 Act is modified in accordance with the provisions set out in Schedule 2.

(3) The circumstances referred to in paragraph (1) are that—

- (a) the local authority for the area in which the child or young person is to live in Scotland (or to which the child or young person has moved without prior notice) has through the Principal Reporter notified the court referred to in paragraph (2) in writing that it agrees to take over the care, supervision or education supervision of the child or young person; and
- (b) the authority arranging or assisting the arranging for the child or young person referred to in paragraph (2) to live in Scotland has notified the court referred to in that paragraph that it agrees to the local authority in Scotland taking over the care or supervision or education supervision of the child or young person.

(4) The orders referred to in paragraph (1) shall cease to have effect for the purposes of the law of England and Wales in the circumstances prescribed in paragraphs (2) and (3).

Transfer of care etc. orders from Northern Ireland to Scotland

3.—(1) The orders listed in Schedule 3 (being orders made by a court in Northern Ireland which appear to the Secretary of State to correspond generally to a supervision requirement made under the Act) shall have effect in the circumstances prescribed in paragraphs (2) and (3) for all the purposes of the Act in Scotland as if they were supervision requirements under section 70(1) of the Act made by a children’s hearing for the local authority in whose area it is proposed the child or young person is to live.

(2) The circumstances referred to in paragraph (1) are that the court has given its approval under article 33 of the 1995 Order in respect of the orders listed in Schedule 3 to the authority arranging or assisting in arranging for the child or young person to live in Scotland.

(3) The circumstances referred to in paragraph (1) are that—

- (a) the local authority for the area in which the child or young person is to live in Scotland (or to which the child or young person has moved without prior notice) has through the Principal Reporter notified the court referred to in paragraph (2) in writing that it agrees to take over the care, supervision, education supervision, probation or training of the child or young person; and
- (b) the authority arranging or assisting in arranging for the child or young person referred to in paragraph (2) to live in Scotland has notified the court referred to in that paragraph that it agrees to the local authority in Scotland taking over the care, supervision, education supervision, probation or training of the child or young person.

(4) The orders referred to in paragraph (1) shall cease to have effect for the purposes of the law of Northern Ireland in the circumstances as prescribed in paragraphs (2) and (3).

(7) Inserted by Schedule 2 to these Regulations.

Transfer of supervision requirements etc from Scotland to England and Wales

4.—(1) The supervision requirements as described and listed 1 to 5 in column 1 of Schedule 4 and a parental responsibilities order as described and listed as 6 in that column of that Schedule (appearing to the Secretary of State as generally corresponding in effect to those orders as described and listed with the corresponding numbers respectively in column 2 of that Schedule) shall in the circumstances described in paragraphs (2) and (3) have effect for all the purposes of the 1989 Act or the 1969 Act (depending under which of these enactments the corresponding England or Wales order is made) as if they were orders under the enactment under which the corresponding England or Wales order is made placing the child in question in the care of or under the supervision or education supervision of the local authority in whose area he is to live.

(2) The circumstances referred to in paragraph (1) are that—

(a) where a children’s hearing under section 73(9) of the Act, following a notification under section 73(7) of the Act that it is proposed to move a child to England or Wales (or the child has already been so moved without notification), continues a supervision requirement with or without variation or insertion and the Principal Reporter has notified the local authority in England or Wales under whose care, supervision or education supervision and in whose area it is proposed the child will reside; or

(b) where a child is subject to a parental responsibilities order, the local authority with responsibility for the child has notified the local authority in England or Wales under whose care order and in whose area it is proposed the child will reside.

(3) The circumstances referred to in paragraph (1) are that the local authority in England or Wales, under whose care, supervision or education supervision and in whose area it is proposed the child will reside, has consented to the proposed transfer in writing through the Principal Reporter in the case of a supervision requirement, or, in the case of a parental responsibilities order, directly to the local authority in Scotland in whose area the child has resided and in respect of whom the supervision requirement or parental responsibilities order has been made.

(4) The supervision requirements and parental responsibilities order referred to in paragraph (1) shall cease to have effect for the purposes of the law of Scotland in the circumstances prescribed in paragraphs (2) and (3).

Transfer of supervision requirements etc from Scotland to Northern Ireland

5.—(1) The supervision requirements as described and listed 1 to 5 in column 1 of Schedule 5 and a parental responsibilities order as described and listed as 6 in that column of that Schedule (appearing to the Secretary of State as generally corresponding in effect to those orders as described and listed with the corresponding numbers respectively in column 2 of that Schedule) shall in the circumstances described in paragraphs (2) and (3) have effect for all the purposes of the 1995 Order or the Northern Ireland 1968 Act (depending under which of these enactments the corresponding Northern Ireland order is made) as if they were orders under the enactments under which the corresponding Northern Ireland order is made placing the child in question in the care of or under the supervision, education supervision, training or probation of the authority in whose area he is to live.

(2) The circumstances referred to in paragraph (1) are that—

(a) where a children’s hearing under section 73(9) of the Act, following a notification under section 73(7) of the Act that it is proposed to move a child to Northern Ireland (or the child has already been so moved without notification), continues a supervision requirement with or without variation or insertion and the Principal Reporter has notified the authority in Northern Ireland under whose care, supervision, education supervision, probation or training and in whose area it is proposed the child will reside; or

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(b) where a child is subject to a parental responsibilities order, the local authority with responsibility for the child has notified the authority in Northern Ireland under whose care order and in whose area it is proposed the child will reside.

(3) The circumstances referred to in paragraph (1) are that the authority in Northern Ireland, under whose care, supervision, or education supervision, probation or training and in whose area it is proposed the child will reside, has consented to the proposed transfer in writing through the Principal Reporter in the case of a supervision requirement, or, in the case of a parental responsibilities order, directly to the local authority in Scotland in respect of whom the supervision requirement or parental responsibilities order has been made.

(4) The supervision requirements and parental responsibilities order referred to in paragraph (1) shall cease to have effect for the purposes of the law of Scotland in the circumstances prescribed in paragraphs (2) and (3).

St Andrew's House,
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