

SCHEDULE 1

MODIFICATIONS: GENERAL

PART 2

Modification of Statutory Instruments

Income Support (General) Regulations 1987

12.—(1) The Income Support (General) Regulations 1987⁽¹⁾ are amended as follows.

(2) In regulation 13(2)(dd) (circumstances in which persons in relevant education are to be entitled to income support)⁽²⁾, after “(promotion of children’s welfare by local authorities and by children’s hearings etc.)” insert “, or by virtue of any order or warrant made under the Children’s Hearings (Scotland) Act 2011,”.

(3) In Schedule 1B⁽³⁾, for paragraph 2 (prescribed categories of person – single persons looking after foster children) substitute—

“**2.** A single claimant or a lone parent with whom a child is placed—

- (a) by a local authority or voluntary organisation within the meaning of the Children Act 1989;
- (b) by a local authority or voluntary organisation within the meaning of the Children (Scotland) Act 1995;
- (c) by virtue of any order or warrant made under the Children’s Hearings (Scotland) Act 2011.”.

The Children (Northern Ireland) Order 1995

13. In Article 70(7)(c) (refuges for children at risk) of the 1995 Order⁽⁴⁾, for the words “section 83 of the Children (Scotland) Act 1995” substitute “section 171(2) of the Children’s Hearings (Scotland) Act 2011”.

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

14.—(1) The Children (Reciprocal Enforcement of Prescribed Orders etc. (England, Wales and Northern Ireland)) (Scotland) Regulations 1996⁽⁵⁾ are amended as follows.

(2) In regulation 1 (interpretation)—

(a) in paragraph (2)—

- (i) omit the definition of “the Act”;
- (ii) omit the definition of “the 1969 Act”;
- (iii) omit the definition of “the Northern Ireland 1968 Act”;
- (iv) omit the definition of “the 1950 Act”;
- (v) for the definition of “authority” substitute—

(1) [S.I. 1987/1967](#).

(2) Sub-paragraph (dd) was inserted by [S.I. 1992/468](#).

(3) Schedule 1B was inserted by [S.I. 1992/206](#) and paragraph 2 was amended by [S.I. 2009/2655](#).

(4) [S.I. 1995/755 \(N.I. 2\)](#). Amended by the Children (Scotland) Act 1995, Schedule 4, paragraph 58.

(5) [S.I. 1996/3267](#) as amended by [S.S.I. 2009/420](#) and [S.I. 2011/1740](#).

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- ““authority” means in relation to Northern Ireland a Health and Social Care Trust established by Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(6) and renamed by section 1(3) of the Health and Social Care (Reform) Act (Northern Ireland) 2009(7);”;
- (vi) in the definition of “corresponding England and Wales Order” omit “supervision requirement or”;
 - (vii) in the definition of “corresponding Northern Ireland Order” omit “supervision requirement or”; and
 - (viii) omit the definition of “supervision requirement”;
- (b) in paragraph (4), for “regulations 2 and 4” substitute “regulation 4”; and
 - (c) in paragraph (5), for “regulations 3 and 5” substitute “regulation 5”.
- (3) Omit regulations 2 (transfer of care etc. orders from England and Wales to Scotland) and 3 (transfer of care etc. orders from Northern Ireland to Scotland) and Schedules 1, 2 and 3.
- (4) In regulation 4 (the title of which becomes “Transfer of permanence orders from Scotland to England and Wales”)—
- (a) for paragraph (1) substitute—

“(1) A permanence order, as described and listed in column 1 of Schedule 4 (appearing to the Secretary of State as generally corresponding in effect to a care order as described and listed 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 as if it were a care order made under the 1989 Act placing the child in the care of the local authority in whose area the child is to live.”;
 - (b) in paragraph (2) omit sub-paragraph (a);
 - (c) in paragraph (3) omit “, supervision or education supervision”, “through the Principal Reporter in the case of a supervision requirement, or, in the case of a permanence order” and “supervision requirement or”; and
 - (d) in paragraph (4) omit “supervision requirements and”.
- (5) In regulation 5 (the title of which becomes “Transfer of permanence orders from Scotland to Northern Ireland”)—
- (a) for paragraph (1) substitute—

“(1) A permanence order, as described and listed in column 1 of Schedule 5 (appearing to the Secretary of State as generally corresponding in effect to a care order as described and listed 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 as if it were a care order made under the 1995 Order placing the child in the care of the authority in whose area the child is to live.”;
 - (b) in paragraph (2) omit sub-paragraph (a);
 - (c) in paragraph (3) omit “, supervision or education supervision, probation or training”, “through the Principal Reporter in the case of a supervision requirement, or, in the case of a permanence order” and “supervision requirement or”; and
 - (d) in paragraph (4) omit “supervision requirements and”.
- (6) In Schedule 4 omit all but paragraph 6 in columns 1 and 2 (C. court orders and family court orders).

(6) S.I. 1991/194 (N.I. 1).

(7) 2009 c.1 (N.I.).

(7) In Schedule 5 omit all but paragraph 6 in columns 1 and 2 (C. court orders and the Children (Northern Ireland) Order 1995).

Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999

15. In paragraph 20 of section 10 of Schedule 1 to the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999(8), after “section 128 of the 1994 Act” insert “and continued by section 15 (the Scottish Children’s Reporter Administration) of the Children’s Hearings (Scotland) Act 2011(9)”.

Data Protection (Subject Access Modification) (Education) Order 2000

16. In article 2 (interpretation) of the Data Protection (Subject Access Modification) (Education) Order 2000(10), in the definition of “Principal Reporter”—

- (a) for “section 127 of the Local Government etc. (Scotland) Act 1994” substitute “the Children’s Hearings (Scotland) Act 2011”; and
- (b) for “section 131(1) of that Act” substitute “paragraph 10(1) of schedule 3 to that Act”.

Data Protection (Subject Access Modification) (Social Work) Order 2000

17.—(1) The Data Protection (Subject Access Modification) (Social Work) Order 2000(11) is amended as follows.

(2) In article 2 (interpretation)(12), in the definition of “Principal Reporter”—

- (a) for “section 127 of the Local Government etc. (Scotland) Act 1994” substitute “the Children’s Hearings (Scotland) Act 2011”; and
- (b) for “section 131(1) of that Act” substitute “paragraph 10(1) of schedule 3 to that Act”.

(3) In the Schedule (personal data to which this order applies), in paragraph 1(p), for “section 41 of the Children (Scotland) Act 1995” substitute “section 30(2) or 31(3) of the Children’s Hearings (Scotland) Act 2011” (13).

Disqualification from Caring for Children (England) Regulations 2002

18.—(1) The Disqualification from Caring for Children (England) Regulations 2002(14) are amended as follows.

(2) In regulation 2 (grounds for disqualification), after paragraph (4) insert—

“(4A) A compulsory supervision order, within the meaning of section 83 of the Children’s Hearings (Scotland) Act 2011 or an interim compulsory supervision order, within the meaning of section 86 of that Act, has been made at any time with respect to a child so as to remove that child from his care.”.

(3) In the Schedule (specified offences)—

- (a) in paragraph 2(6)(a) (offences in Scotland), at the start insert “section 59(1) or 171(2) of the Children’s Hearings (Scotland) Act 2011,”; and

(8) S.I. 1999/2277, to which there have been amendments not relevant to this Order.

(9) Section 15 provides that there continues to be a body corporate known as the Scottish Children’s Reporter Administration.

(10) S.I. 2000/414, to which there have been amendments not relevant to this Order.

(11) S.I. 2000/415.

(12) There have been amendments to article 2 which are not relevant to this Order.

(13) Paragraph 1(p) was amended by S.I. 2002/3220 and 2005/467.

(14) S.I. 2002/635, to which there have been amendments not relevant to this Order.

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(b) after paragraph 4(3) (other offences) insert—

“(4) An offence contrary to article 10(2) (offences relating to absconding) or article 11(1) (offence of intentional obstruction) of the Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013.”.

The Child Tax Credit Regulations 2002

19.—(1) The Child Tax Credit Regulations 2002(**15**) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “looked after by a local authority”, at the end insert “, and (in Scotland) includes a child in respect of which a child assessment order within the meaning of section 35 of the Children’s Hearings (Scotland) Act 2011 has been made or a child protection order within the meaning of section 37 of that Act has been made.”

(3) In regulation 3(1), Rule 4.1, Case A (circumstances in which a person is or is not responsible for a child or qualifying young person), after “Part II of the Children (Scotland) Act 1995” insert “by virtue of a requirement in a child assessment order within the meaning of section 35 of the Children’s Hearings (Scotland) Act 2011, a child protection order within the meaning of section 37 of that Act, a compulsory supervision order within the meaning of section 83 of that Act or an interim compulsory supervision order within the meaning of section 86 of that Act,”.

The Children (Leaving Care) Social Security Benefits (Scotland) Regulations 2004

20. In regulation 2(4)(b) (entitlement to benefits (Scotland): meaning of “accommodated”) of the Children (Leaving Care) Social Security Benefits (Scotland) Regulations 2004(**16**)—

- (a) for “in compliance with a direction made in a supervision requirement under section 70(3) of that Act,” substitute “by giving effect to a compulsory supervision order and a requirement within that order of the type mentioned in section 83(2)(a) of the Children’s Hearings (Scotland) Act 2011,”;
- (b) for “that Act or in compliance with a direction made in a supervision requirement under that Act,” substitute “the Children (Scotland) Act 1995 or by giving effect to a requirement within a compulsory supervision order under the Children’s Hearings (Scotland) Act 2011,”.

The Child Trust Funds Regulations 2004

21. In regulation 33A(2) (the Official Solicitor or Accountant of Court to be the person who has the authority to manage an account) of the Child Trust Funds Regulations 2004(**17**), in Condition 3—

- (a) for “(or, in Scotland, a supervision requirement made with a condition regulating contact under section 70(5)(b) of the Children (Scotland) Act 1995 that the child shall have no contact with a person with parental responsibilities)” substitute “(or, in Scotland, a compulsory supervision order or an interim compulsory supervision order is in force and contains a direction regulating contact to the effect that the child has no contact with a person who has parental responsibilities in relation to that child)”;
- (b) at the end insert—
 - “In this Condition—
 - (a) “compulsory supervision order” has the meaning given by section 83 of the Children’s Hearings (Scotland) Act 2011;

(15) S.I. 2002/2007.

(16) S.I. 2004/747, to which there have been amendments not relevant to this Order.

(17) S.I. 2004/1450. Regulation 33A was inserted S.I. 2004/3382. There have been amendments to paragraph (2) of regulation 33A which are not relevant to this Order.

- (b) “interim compulsory supervision order” has the meaning given by section 86 of that Act; and
- (c) “contact direction” means a measure mentioned in section 83(2)(g) of that Act and contained within a compulsory supervision order or an interim compulsory supervision order.”.

Disqualification from Caring for Children (Wales) Regulations 2004/Rheoliadau Datgymhwysu rhag Gofalu am Blant (Cymru) 2004

22.—(1) In the Schedule (specified offences, relevant persons and relevant lists) to the English language text of the Disqualification from Caring for Children (Wales) Regulations 2004(**18**)—

- (a) in paragraph 10, after “the Children (Scotland) Act 1995” insert “, section 59(1) or 171(2) of the Children’s Hearings (Scotland) Act 2011”;
- (b) after paragraph 20 insert—

“**20A.** An offence contrary to article 10(2) (offences relating to absconding) or article 11(1) (offence of intentional obstruction) of the Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013.”;
- (c) in paragraph 22(f), after “1995” insert “or section 37 of the Children’s Hearings (Scotland) Act 2011”; and
- (d) after paragraph 23 insert—

“**23A.** A compulsory supervision order, within the meaning of section 83 of the Children’s Hearings (Scotland) Act 2011, or an interim compulsory supervision order within the meaning of section 86 of that Act, has been made at any time with respect to a child so as to remove that child from that person’s care.”.

(2) In the Schedule (tramgwyddau penodedig, personau perthnasol a rhestri pethnasol) to the Welsh language text of those Regulations (Rheoliadau Datgymhwysu rhag Gofalu am Blant (Cymru) 2004)—

- (a) in paragraph 10, after “Ddeddf Plant (Yr Alban) 1995” insert “, adran 59(1) neu 171(2) o Ddeddf Gwrandawiadau Plant (Yr Alban) 2011”;
- (b) after paragraph 20 insert—

“**20A.** Tramgwydd yn groes i erthygl 10(2) (tramgwyddau mewn perthynas â dianc) neu erthygl 11(1) (tramgwydd rhwystro bwriadol) o Orchymyn Deddf Gwrandawiadau Plant (Yr Alban) 2011 (Addasiadau Canlyniadol, Darpariaethau Trosiannol ac Arbed) 2013.”;
- (c) in paragraph 22(dd) after “1995” insert “neu adran 37 o Ddeddf Gwrandawiadau Plant (Yr Alban) 2011”; and
- (d) after paragraph 23 insert—

“**23A.** Mae gorchymyn goruchwylio gorfodol, o fewn ystyr “compulsory supervision order” yn adran 83 o Ddeddf Gwrandawiadau Plant (Yr Alban) 2011, neu orchymyn goruchwylio gorfodol dros dro, o fewn ystyr “interim compulsory supervision order” yn adran 86 o’r Ddeddf honno, wedi’i wneud ar unrhyw bryd ynglŷn â phlentyn er mwyn symud y plentyn hwnnw o ofal y person hwnnw.”.

(18) [S.I. 2004/2695 \(W. 235\)](#), to which there have been amendments not relevant to this Order.

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The Housing Benefit Regulations 2006

23.—(1) The Housing Benefit Regulations 2006(**19**) are amended as follows.

(2) In regulation 2(1) (interpretation)(**20**), in the definition of “young individual” after paragraph (h) insert—

“or

(i) who is a person who has not attained the age of 22 years and has ceased to be subject to a compulsory supervision order within the meaning of section 83 of the Children’s Hearings (Scotland) Act 2011 (“the 2011 Act”) which had continued after that person attained the age of 16 years, other than a case where—

(i) the section 67 ground (within the meaning of that Act) was based on the sole condition as to the need for compulsory measures of supervision specified in section 67(2)(j) (the child has committed an offence)of the 2011 Act; or

(ii) that person was required by virtue of the compulsory supervision order to reside with a parent or guardian of that person within the meaning of the 1995 Act, or with a friend or relative of that person or of that person’s parent or guardian;”.

(3) In regulation 13D(2)(a)(ii) (determination of a maximum rent (LHA))(**21**), after “paragraphs (b) to (f)” insert “or (i)”.

(4) In regulation 21 (circumstances in which a person is to be treated as being or not being a member of the household)(**22**)—

(a) in paragraph (3)(a), after “boarded out”, insert “or placed”; and

(b) in paragraph (6)—

(i) omit the final “and”; and

(ii) at the end insert “and the Children’s Hearings (Scotland) Act 2011.”.

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

24.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**23**) are amended as follows.

(2) In regulation 13D(12) (determination of a maximum rent (LHA))(**24**), in the definition of “care leaver” after paragraph (c) insert—

“(ca) that person has ceased to be subject to a compulsory supervision order within the meaning of section 83 of the Children’s Hearings (Scotland) Act 2011 (“the 2011 Act”) which had continued after that person attained the age of 16 years, other than a case where—

(i) the section 67 ground (within the meaning of that Act) was based on the sole condition as to the need for compulsory measures of supervision specified in section 67(2)(j) of the 2011 Act (the child has committed an offence); or

(19) [S.I. 2006/213](#).

(20) There have been amendments to regulation 2 which are not relevant to this Order.

(21) Regulation 13D was inserted by [S.I. 2007/2868](#). There have been amendments to regulation 13D which are not relevant to this Order.

(22) Regulation 21(3)(a) was amended by the Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) Regulations 2010 ([S.I. 2010/2449](#)), regulation 2(3); and regulation 21(6) was amended by the Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order ([S.I. 2011/1740](#)), schedule 1(2), paragraph 39(3)(b).

(23) [S.I. 2006/214](#).

(24) Regulation 13D was inserted by [S.I. 2007/2869](#). There have been amendments to regulation 13D which are not relevant to this Order.

(ii) that person was required by virtue of the compulsory supervision order to reside with a parent or guardian of that person within the meaning of the 1995 Act, or with a friend or relative of that person or of that person's parent or guardian;"

(3) In regulation 21 (circumstances in which a person is to be treated as being or not being a member of the household)(**25**)—

(a) in paragraph (3)(a) after “boarded out”, insert “or placed”; and

(b) in paragraph (6)—

(i) omit the final “and”; and

(ii) at the end insert “and the Children’s Hearings (Scotland) Act 2011.”.

The Child Benefit (General) Regulations 2006

25. In regulation 18(a) (child or qualifying young person in care) of the Child Benefit (General) Regulations 2006(**26**), after “the 1995 Act” insert “, by virtue of a requirement in a child assessment order within the meaning of section 35 of the Children’s Hearings (Scotland) Act 2011, a child protection order within the meaning of section 37 of that Act, a compulsory supervision order within the meaning of section 83 of that Act or an interim compulsory supervision order within the meaning of section 86 of that Act.”.

Childcare (Disqualification) Regulations 2009

26.—(1) The Childcare (Disqualification) Regulations 2009(**27**) are amended as follows.

(2) In Schedule 1 (orders etc. relating to the care of children)—

(a) in paragraph 10, at the end insert “or section 37 of the Children’s Hearings (Scotland) Act 2011”; and

(b) after paragraph 13 insert—

“**13A.** A compulsory supervision order, within the meaning of section 83 of the Children’s Hearings (Scotland) Act 2011, or interim compulsory supervision order, within the meaning of section 86 of that Act, made at any time with respect to a child so as to remove that child from P’s care.”.

(3) In Schedule 3 (specified offences)—

(a) in paragraph 2(6)(a)(offences in Scotland) after “the Children (Scotland) Act 1995” insert “, section 59(1) or 171(2) of the Children’s Hearings (Scotland) Act 2011”; and

(b) after paragraph 7(3) (other offences) insert—

“(4) An offence contrary to article 10(2) (offences relating to absconding) or article 11(1) (offence of intentional obstruction) of the Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013.”.

Child Minding and Day Care (Disqualification) (Wales) Regulations 2010/Rheoliadau Gwarchod Plant a Gofal Dydd (Anghymhwyso) (Cymru) 2010

27.—(1) The English language text of the Child Minding and Day Care (Disqualification) (Wales) Regulations 2010(**28**) is amended as follows.

(2) In Schedule 1 (orders etc. relating to the care of children)—

(25) Regulation 21(3)(a) was amended by [S.I. 2010/2449](#) and regulation 21(6) was amended by [S.I. 2011/1740](#).

(26) [S.I. 2006/223](#).

(27) [S.I. 2009/1547](#).

(28) [S.I. 2010/1703 \(W. 163\)](#), to which there have been amendments not relevant to this Order.

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- (a) in paragraph 11, after “1995” insert “or made under section 37 of the Children’s Hearings (Scotland) Act 2011”; and
- (b) after paragraph 14 insert—
 - “**14A.** A compulsory supervision order, within the meaning of section 83 of the Children’s Hearings (Scotland) Act 2011, or an interim compulsory supervision order, within the meaning of section 86 of that Act, made at any time with respect to a child so as to remove that child from P’s care.”.
- (3) In Schedule 3 (specified offences)—
 - (a) in paragraph 2(6)(a) (offences in Scotland), after “the Children (Scotland) Act 1995” insert “, section 59(1) or 171(2) of the Children’s Hearings (Scotland) Act 2011”; and
 - (b) after paragraph 7(3) (other offences) insert—
 - “(4) An offence contrary to article 10(2) (offences relating to absconding) or article 11(1) (offence of intentional obstruction) of the Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013.”.
- (4) The Welsh language text of those Regulations (Rheoliadau Gwarchod Plant a Gofal Dydd (Anghymhwysu) (Cymru) 2010) is amended as follows.
- (5) In Schedule 1 (gorchmynion etc. mewn perthynas â gofal plant)—
 - (a) in paragraph 11, after “1995” insert “neu a wneir o dan adran 37 o Ddeddf Gwrandawiadau Plant (Yr Alban) 2011”; and
 - (b) after paragraph 14 insert—
 - “**14A.** Gorchymyn goruchwylio gorfodol, o fewn ystyr “compulsory supervision order” yn adran 83 o Ddeddf Gwrandawiadau Plant (Yr Alban) 2011, neu orchymyn goruchwylio gorfodol dros dro, o fewn ystyr “interim compulsory supervision order” yn adran 86 o’r Ddeddf honno, a wneir ar unrhyw adeg mewn perthynas â phlentyn er mwyn symud y plentyn hwnnw o ofal P.”.
- (6) In Schedule 3 (tramgwyddau penodedig)—
 - (a) in paragraph 2(6)(a) (tramgwyddau yn yr Alban), after “Ddeddf Plant (Yr Alban) 1995” insert “, adran 59(1) neu 171(2) o Ddeddf Gwrandawiadau Plant (Yr Alban) 2011”; and
 - (b) after paragraph 7(3) (tramgwyddau eraill) insert—
 - “(4) Tramgwydd yn groes i erthygl 10(2) (tramgwyddau mewn perthynas â dianc) neu erthygl 11(1) (tramgwydd rhwystro bwriadol) o Orchymyn Deddf Gwrandawiadau Plant (Yr Alban) 2011 (Addasiadau Canlyniadol, Darpariaethau Trosiannol ac Arbed) 2013.”.

Family Procedure Rules 2010

28. In rule 12.52(1)(a) of the Family Procedure Rules 2010(**29**) (stay of proceedings upon notification of wrongful removal etc.), for paragraph (vi) substitute—

“(vi) a children’s hearing within the meaning of the Children’s Hearings (Scotland) Act 2011;”.

(29) S.I. 2010/2955.