



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 2

PERMANENCE ORDERS

Orders and supervision requirements

95 Duty of children's hearing to prepare report for court

- (1) Subsection (2) applies where—
- (a) an application is made for a permanence order, or variation of such an order, in respect of a child,
 - (b) the application has not been determined (or, as the case may be, withdrawn or abandoned), and
 - (c) a children's hearing proposes to—
 - (i) make a supervision requirement in respect of the child, or
 - (ii) modify, under paragraph (c) or (d) of subsection (9) of section 73 of the 1995 Act, a supervision requirement that has been made in respect of the child.
- (2) The children's hearing must prepare for the court to which the application has been made a report containing such information as the Scottish Ministers may by regulations prescribe.
- (3) In subsection (1)(a), the reference to variation of a permanence order includes a reference to amendment of the order to include provision granting authority for the child to whom the order relates to be adopted.

Commencement Information

- 11** S. 95(1)(3) in force at 28.9.2009 by [S.S.I. 2009/267](#), [arts. 1\(2\), 2](#) (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)
- 12** S. 95(2) in force at 20.4.2009 for specified purposes by [S.S.I. 2009/147](#), art. 2, [Sch.](#)

Status: Point in time view as at 28/09/2009.

Changes to legislation: Adoption and Children (Scotland) Act 2007, Cross Heading: Orders and supervision requirements is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- I3** S. 95(2) in force at 28.9.2009 in so far as not already in force by [S.S.I. 2009/267](#), [arts. 1\(2\), 2](#) (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

96 Application: effect on supervision requirement

- (1) Subsection (2) applies where an application is made for a permanence order, or variation of such an order, in respect of a child.
- (2) A supervision requirement in respect of the child may not be—
 - (a) made, or
 - (b) modified under paragraph (c) or (d) of subsection (9) of section 73 of the 1995 Act,
 until the application is determined (or, as the case may be, withdrawn or abandoned).
- (3) Subsection (2) does not apply if the court to which the application is made refers the child's case to the Principal Reporter (whether following receipt of a report under section 95 or otherwise).
- (4) In subsection (1), the reference to variation of a permanence order includes a reference to amendment of the order to include provision granting authority for the child to whom the order relates to be adopted.
- (5) In subsection (3), “Principal Reporter” has the same meaning as in Part II of the 1995 Act.

Commencement Information

- I4** S. 96 in force at 28.9.2009 by [S.S.I. 2009/267](#), [arts. 1\(2\), 2](#) (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

97 Interim orders and revocation of supervision requirement

- (1) Subsection (2) applies where an application is made for a permanence order, or variation of such an order, in respect of a child.
- (2) The appropriate court may make such interim order as it thinks fit.
- (3) Subsection (4) applies where—
 - (a) the child in respect of whom an interim order is to be made is subject to a supervision requirement, and
 - (b) the court is satisfied that, were it to make an interim order in relation to the child, compulsory measures of supervision in respect of the child would no longer be necessary.
- (4) The court must make an order providing that, on the making of the interim order, the supervision requirement ceases to have effect.
- (5) If—
 - (a) the child in respect of whom an interim order is made is subject to a supervision requirement, and
 - (b) the provisions of the order conflict, or are otherwise inconsistent, with the requirement,

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the provisions of the order prevail.

- (6) In subsection (1), the reference to variation of a permanence order includes a reference to amendment of the order to include provision granting authority for the child to whom the order relates to be adopted.

Commencement Information

I5 S. 97 in force at 28.9.2009 by S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)

Status:

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