

Status: This version of this provision is prospective.

Changes to legislation: Children (Care and Justice) (Scotland) Act 2024, Section 29 is up to date with all changes known to be in force on or before 18 June 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) View outstanding changes



Children (Care and Justice) (Scotland) Act 2024

2024 asp 5

PART 4

RESIDENTIAL AND SECURE CARE

PROSPECTIVE

29 Cross-border placements: effect of orders made outwith Scotland

- (1) The 2011 Act is amended as follows.
- (2) In section 190 (effect of orders made outwith Scotland)—
 - (a) in subsection (1), for “as if it were such an order” substitute “in Scotland”,
 - (b) for subsection (2) substitute—
 - “(2) Regulations under subsection (1) may in particular—
 - (a) provide that a non-Scottish order is to have such effect only—
 - (i) in specified circumstances,
 - (ii) for specified purposes,
 - (iii) subject to specified conditions,
 - (b) provide that a non-Scottish order is—
 - (i) to have effect as if it were a compulsory supervision order, or
 - (ii) to have such other effect as may be specified,
 - (c) include provision—
 - (i) requiring specified persons to provide or share specified information,
 - (ii) requiring specified persons to provide, or make arrangements for the provision of, any services which are needed to support a child who is the subject of a non-Scottish order,

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- (iii) requiring specified persons to meet the costs incurred in relation to, or as a consequence of, giving effect to a non-Scottish order in Scotland,
- (iv) in connection with the safeguarding and promotion of the welfare of a child who is the subject of a non-Scottish order,
- (d) make provision for or in connection with—
 - (i) the monitoring of whether any condition specified by virtue of paragraph (a)(iii) is being met in relation to a non-Scottish order,
 - (ii) the consequences of such a specified condition not being met,
 - (iii) the monitoring of whether any requirement imposed is being complied with in relation to a non-Scottish order (where compliance with the requirement is not a condition specified by virtue of paragraph (a)(iii)),
 - (iv) the consequences of failing to comply with such a requirement.
- (2A) Regulations under subsection (1)—
 - (a) may modify any enactment in its application by virtue of the regulations to a non-Scottish order, including—
 - (i) the Social Work (Scotland) Act 1968,
 - (ii) the Children (Scotland) Act 1995,
 - (iii) this Act,
 - (b) are subject to the affirmative procedure.”.

Commencement Information

II S. 29 not in force at Royal Assent, see [s. 38\(3\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act power to modify conferred by 1995 c. 36, s. 33A (as inserted) by [2024 asp 5 s. 30\(2\)](#)
- Act power to modify conferred by 2010 asp 8, s. 190(2A) (as substituted) by [2024 asp 5 s. 29\(2\)\(b\)](#)