



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 14

#### IMPLEMENTATION OF ORDERS

##### *Implementation of compulsory supervision order*

#### **146 Breach of duties imposed by sections 144 and 145**

- (1) This section applies where, on determining the review of a compulsory supervision order under section 138(3), it appears to the children's hearing that the implementation authority is in breach of a duty in relation to the child imposed on the authority under section 144 or 145.
- (2) The children's hearing may direct the National Convener to give the authority notice in accordance with subsection (3) of an intended application by the National Convener to enforce the authority's duty.
- (3) The notice must—
  - (a) set out the respects in which the authority is in breach of its duty in relation to the child, and
  - (b) state that if the authority does not perform that duty before the expiry of the period of 21 days beginning with the day on which the notice is given, the National Convener, on the direction of the children's hearing, is to make an application to enforce the authority's duty.
- (4) The National Convener must, at the same time as giving the notice, send a copy of the notice to—
  - (a) the child,
  - (b) each relevant person in relation to the child.
- (5) If a children's hearing gives a direction under subsection (2), the children's hearing must require that a further review of the compulsory supervision order take place on or as soon as is reasonably practicable after the expiry of the period of 28 days beginning on the day on which the notice is given.

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**Changes to legislation:** Children's Hearings (Scotland) Act 2011, Section 146 is up to date with all changes known to be in force on or before 07 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) [View outstanding changes](#)

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- (6) If, on that further review, it appears to the children's hearing carrying out the further review that the authority continues to be in breach of its duty, the children's hearing may direct the National Convener to make an application under section 147.
- (7) In determining whether to direct the National Convener to make an application under section 147 to enforce the authority's duty, the children's hearing must not take into account any factor relating to the adequacy of the means available to the authority to enable it to comply with the duty.

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**Modifications etc. (not altering text)**

- C1** Ss. 146-148 modified (24.6.2022) by [The Cross-border Placements \(Effect of Deprivation of Liberty Orders\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/225\)](#), regs. 1, **13(6)**
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**Commencement Information**

- I1** S. 146 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

**Changes to legislation:**

Children's Hearings (Scotland) Act 2011, Section 146 is up to date with all changes known to be in force on or before 07 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.

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 7A inserted by [2024 asp 5 s. 2\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 57A57B and cross-heading inserted by [2024 asp 5 s. 3\(7\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 83(2)(ca)(cb) inserted by [2024 asp 5 s. 5\(2\)\(a\)](#)
- s. 83(2A) inserted by [2024 asp 5 s. 4\(2\)\(b\)](#)
- s. 83(4A) inserted by [2024 asp 5 s. 6\(2\)\(b\)](#)
- s. 138(6)(aa) inserted by [2024 asp 5 s. 11\(2\)\(a\)\(ii\)](#)
- s. 138(7A) inserted by [2024 asp 5 s. 11\(2\)\(b\)](#)
- s. 144(6) amendment to earlier affecting provision S.S.I. 2022/225, reg. 13(4) by [2024 asp 5 Sch. para. 27\(2\)\(b\)](#)
- s. 150(2)(ca)(cb) inserted by [2024 asp 5 s. 6\(3\)\(c\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)
- s. 177(2)(ha) inserted by [2024 asp 5 s. 2\(3\)](#)
- s. 179A(5A)(5B) inserted by [2024 asp 5 s. 8\(2\)\(b\)](#)
- s. 179B(3)-(6) inserted by [2024 asp 5 s. 8\(3\)\(c\)](#)
- s. 179C(4) inserted by [2024 asp 5 s. 8\(4\)\(b\)](#)
- s. 179D inserted by [2024 asp 5 s. 9\(2\)](#)