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STATUTORY INSTRUMENTS

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**2013 No. 1465**

**The Children's Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013**

**Transfer of child from Scotland to Northern Ireland: effect of compulsory supervision order**

14.—(1) This article applies where—

- (a) a child is subject to a compulsory supervision order (other than where the only ground which is established is that listed in section 67(2)(j) of the 2011 Act (offence ground)) and notification is given under section 134(2) of that Act that it is proposed to move the child to Northern Ireland;
- (b) a children's hearing continues the compulsory supervision order under section 138 of the 2011 Act following a review initiated under section 134(3) of that Act;
- (c) the Principal Reporter has notified in writing the local authority in Northern Ireland, under whose care, supervision or education supervision the child will be, and in whose area it is proposed the child will reside, of the proposed transfer; and
- (d) the local authority has consented to the proposed transfer by informing the Principal Reporter in writing.

(2) The 1995 Order applies, in relation to a compulsory supervision order to which section 145(1) of the 2011 Act applies as it applies in relation to a supervision order as defined in Article 49(1) of the 1995 Order.

(3) The 1995 Order applies, in relation to a compulsory supervision order to which section 145(1) of the 2011 Act does not apply, as it applies in relation to a care order (as defined in Article 49(1) of the 1995 Order).

(4) The 1995 Order applies, in relation to a compulsory supervision order which falls within paragraph (5), as it applies in relation to an education supervision order (as defined in Article 49(1) of the 1995 Order).

(5) A compulsory supervision order falls within this paragraph if—

- (a) the child to whom the order relates is of compulsory school age within the meaning of Article 46 of the 1986 Order<sup>(1)</sup>; and
- (b) the order was made after acceptance or establishment of the ground mentioned in section 67(2)(o) of the 2011 Act.

(6) Where paragraph (2), (3) or (4) applies, the compulsory supervision order ceases to have effect for the purposes of the law of Scotland.

(7) The reference in paragraph (5)(b) to the ground mentioned in section 67(2)(o) of the 2011 Act being accepted or established includes a reference to the ground being established by virtue of section 70(2)(a) (requirement under Antisocial Behaviour etc. (Scotland) Act 2004) or 71(3)(a) (case remitted under section 49 of the Criminal Procedure (Scotland) Act 1995) of the 2011 Act.

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(1) Article 46 was substituted by article 156 of [S.I. 1989/2406 \(N.I. 20\)](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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