
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 150

**The Children’s Hearings (Scotland) Act 2011 (Transitional,
Savings and Supplementary Provisions) Order 2013**

PART 3

SUPERVISION REQUIREMENTS

Supervision requirements – deemed compulsory supervision orders on the relevant date

6. Where on the relevant date a child is subject to a supervision requirement imposed under Part II of the 1995 Act and all relevant proceedings have concluded in relation to the supervision requirement, that supervision requirement is to be treated for all purposes as if it were a compulsory supervision order.

Supervision requirements – deemed compulsory supervision orders on conclusion of relevant proceedings

7. Where after the relevant date a child is subject to or, as the case may be, is made subject to a supervision requirement imposed under Part II of the 1995 Act, that supervision requirement is to be treated for all purposes as if it were a compulsory supervision order when all relevant proceedings have concluded in relation to it.

Relevant period for deemed compulsory supervision orders

8. For the purposes of calculating the relevant period under section 83(1)(c) of the 2011 Act (meaning of “compulsory supervision order”), where a supervision requirement is to be treated as a compulsory supervision order under articles 6 or 7 it is to be treated as if it had been made on the day on which the supervision requirement was imposed under the 1995 Act or, as the case may be, was last reviewed or varied under the 1995 Act.

Implementation authority for deemed compulsory supervision orders

9.—(1) Where a supervision requirement is to be treated as a compulsory supervision order under article 6, the relevant local authority (within the meaning of section 93(1) of the 1995 Act) is to be treated as if it were the implementation authority for that compulsory supervision order.

(2) Where a children’s hearing imposes a supervision requirement under Part II of the 1995 Act after the relevant date, that hearing must specify which local authority is to be the relevant local authority in relation to that supervision requirement despite the definition of “relevant local authority” in section 93(1) (interpretation of Part II) of the 1995 Act.

(3) Where a supervision requirement is to be treated as a compulsory supervision order under article 7, the relevant local authority specified under paragraph (2) is to be treated as if it were the implementation authority for that deemed order.

Supervision requirements containing a movement restriction condition

10. Where—

- (a) under article 6 or 7 a supervision requirement is to be treated as if it were a compulsory supervision order; and
- (b) the supervision requirement includes a movement restriction condition imposed in accordance with section 70(9A)(b) of the 1995 Act⁽¹⁾ (disposal of referral by children's hearing: supervision requirements, including residence in secure accommodation),

the movement restriction condition is to be treated for all purposes as if it were a movement restriction condition included in a compulsory supervision order.

Supervision requirements containing condition that child be placed and kept in secure accommodation

11.—(1) Where paragraph (2) applies to a child and, but for this paragraph the supervision requirement would be treated as if it were a compulsory supervision order in accordance with article 6 or 7 the supervision requirement is not to be treated as if it were a compulsory supervision order until the condition that the child shall be liable to be placed and kept in secure accommodation in a residential establishment has been removed and—

- (a) the period for any appeal in respect of the decision of the children's hearing to remove that condition under the 1995 Act has expired with no appeal or further appeal, as the case may be, being taken; or
- (b) if an appeal or further appeal, as the case may be, is taken, when that appeal or further appeal is concluded.

(2) This paragraph applies where on or after the relevant date, a child is subject to or, as the case may be, is made subject to, a supervision requirement which contains a condition imposed in accordance with section 70(9A)(a) of the 1995 Act that the child shall be liable to be placed and kept in secure accommodation in a residential establishment.

(1) Subsection (9A) of section 70 was inserted by the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), section 135(2).