
STATUTORY INSTRUMENTS

1996 No. 492 (S.43)

LOCAL GOVERNMENT, SCOTLAND

**The Local Government (Transfer of Children’s
Hearings Cases) (Scotland) Order 1996**

<i>Made</i>	- - - -	<i>29th February 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 181(1) and (2)(a) of the Local Government etc. (Scotland) Act 1994⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Local Government (Transfer of Children’s Hearings Cases) (Scotland) Order 1996 and shall come into force on 1st April 1996.

Interpretation

2. In this Order, except where the context otherwise requires—
- “the 1968 Act” means the Social Work (Scotland) Act 1968⁽²⁾;
 - “the 1994 Act” means the Local Government etc. (Scotland) Act 1994;
 - “children’s hearing” has the same meaning as in Part III of the 1968 Act;
 - “existing authority” means any local authority within the meaning of section 1(2) of the 1968 Act⁽³⁾;
 - “new authority” means a council constituted by section 2 of the 1994 Act;
 - “the Principal Reporter” has the same meaning as in section 127 of the 1994 Act;
 - “the specified date” means 1st April 1996.

(1) 1994 c. 39.

(2) 1968 c. 49.

(3) Section 1(2) of the 1968 Act was amended by the Local Government (Scotland) Act 1973 (c. 65), Schedule 27, paragraph 183.

Transfer of proceedings under Part III of the 1968 Act

3.—(1) Where the case of a child who has been referred under the provisions of Part III of the 1968 Act to a children’s hearing for the area of an existing authority has not been disposed of prior to the specified date, his case shall on the specified date be transferred to a new authority’s area determined in accordance with paragraph (3) below and on such transfer the Principal Reporter shall make any necessary arrangements for a children’s hearing to consider the case.

(2) Where a case has been transferred under paragraph (1) above any notice given, warrant issued, ground of referral accepted or established, application made, decision or appeal made or any other thing done in relation to proceedings before a children’s hearing for the area of an existing authority before the specified date shall have effect as if it were given, issued, accepted or established, made or otherwise done in relation to proceedings before a children’s hearing for the area of a new authority.

(3) The new authority area shall be identified for the purposes of paragraph (1) above by reference to—

- (a) the new authority area which comprises the whole area of the existing authority, or, as the case may be,
- (b) the new authority area which comprises that part of the area of the existing authority within which the child had his home or, if the case was last considered outwith the existing authority area of the child’s home, the area where his case was last considered.

St Andrew’s House,
Edinburgh
29th February 1996

James Douglas-Hamilton
Minister of State, Scottish Office

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional arrangements for the transfer on 1st April 1996 of cases of children being considered by a children's hearing for the area of a present local authority under the Social Work (Scotland) Act 1968 to the children's hearing for the area of a new council constituted by the Local Government etc. (Scotland) Act 1994.