
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision consequential on the Children’s Hearings (Scotland) Act 2011 (“the 2011 Act”) which restates and amends the law relating to children’s hearings in Scotland.

Articles 2 and 3 contain the extent and interpretation provisions.

Article 4 contains transitional provisions and savings. The Children (Scotland) Act 1995 (“the 1995 Act”) contains provisions which extend to England, Wales and Northern Ireland and these provisions require to continue in effect in respect of cases which, on the coming into force of the 2011 Act, will, for a period, continue under the 1995 Act.

Article 5 makes provision to enable a “relevant order” made under the 2011 Act to be enforced in England, Wales and Northern Ireland. Article 6 makes similar provision in respect of enforcement of a warrant to secure attendance made under the 2011 Act.

Under the 2011 Act, a child can be required, in a Compulsory Supervision Order or an Interim Compulsory Supervision Order, to reside at a specified place. Article 7 provides that that place may be in England or Wales. Provision is also made in respect of the restriction of the child’s liberty where the child is so placed.

An order made under the 2011 Act may require a child to be kept in a particular place. If a child absconds from that place to a place in England, Wales or Northern Ireland, article 8 makes provision regarding the return of that child. Article 9 makes similar provision in respect of a child who absconds from a person who has or is authorised to have control of the child by virtue of an order made under the 2011 Act.

Article 10 creates offences in relation to assisting or inducing a child to abscond, harbouring or concealing a child who has absconded and preventing an absconding child from returning.

Article 11 provides that a person who intentionally obstructs a person acting under certain orders made under the 2011 Act commits an offence.

Article 12 prohibits the publication of “protected information” if publication is intended or is likely to identify a child mentioned in the information or the child’s address or school. Such publication is a criminal offence.

Article 13 makes provision in respect of a child subject to a compulsory supervision order who is taken to live in England or Wales. Article 14 makes similar provision in respect of a child who is taken to live in Northern Ireland. Article 15 makes provision in respect of children subject to orders made in England and Wales and Northern Ireland who transfer to live in Scotland.

Article 16 makes provision in relation to the decision of the person in charge of secure accommodation in which a child is to be placed as to whether to consent to the child being placed in that accommodation.

Articles 17-20 and the Schedules make provision for consequential amendments to primary and secondary legislation in consequence of the 2011 Act.