



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

Practice Direction 27

Cross Border Issues

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SUMMARY

Transfer of Order to Scotland

- Certain orders made in England, Wales or Northern Ireland can be converted into a compulsory supervision order (CSO) if the child moves to Scotland. Once the order has been converted into a CSO, it ceases to have effect for the purposes of the law in England, Wales or Northern Ireland.
- A care order will convert into a CSO if:
 - the court in England, Wales or Northern Ireland gives approval to the home local authority to arrange, or assist in arranging, for the child to live in Scotland;
 - the host local authority in Scotland notifies the court in writing that it agrees to take over the care of the child - this notification to the court must be made through the reporter; and
 - the home local authority notifies the court that it agrees to the host local authority in Scotland taking over the care of the child.
- A supervision order or education order will convert into a CSO if:
 - the home local authority notifies the host local authority in Scotland of the proposed transfer to Scotland; and
 - the host local authority in Scotland consents in writing to the proposed transfer.
- The order made in England, Wales or Northern Ireland converts into a CSO automatically when all the elements of the relevant process are complete. The start date of the CSO is the date when all elements of the relevant process are complete.
- The host local authority in Scotland must require a review of the CSO and the reporter must arrange a hearing to take place no later than 20 working days after receipt of the notice from the home local authority.

Transfer of CSO to England Wales or Northern Ireland

- If a child is subject to a CSO, it will convert into an order under the Children Act 1989 if:
 - the relevant person gives notice under section 134(2) of the 2011 Act that the relevant person proposes to take the child to live in England or Wales (or the implementation authority gives such notice on behalf of the relevant person);
 - the review hearing decides to continue, or continue and vary, the CSO;
 - the reporter notifies the local authority in England or Wales; and
 - the local authority in England or Wales informs the reporter in writing that it consents to the proposed transfer.

- The particular order that the CSO converts into depends on the circumstances of the case. The CSO converts automatically when all the elements of the process are complete. Once the CSO has converted it ceases to have effect for the purposes of the law in Scotland.
- A CSO made only in relation to an offence ground under section 67(2)(j) cannot be transferred to Northern Ireland.
- Style letters for informing a local authority in England, Wales or Northern Ireland about a possible transfer are contained in Appendices 1 and 2.
- The CSO remains the responsibility of the implementation authority until all four elements of the process are complete. The reporter must keep track of the progress of the case and a review hearing must be arranged if the end date of the CSO is approaching before the transfer process has been completed.

Enforcement of Orders in England, Wales and Northern Ireland

- A warrant to secure attendance, or an order which includes a measure 'authorising the keeping of the child in a particular place', may be enforced in England, Wales and Northern Ireland.

Residence outwith Scotland

- A CSO or ICSO may require the child to reside at a specified place in England, Wales or Northern Ireland. It is unlikely to be possible to transfer such orders to England, Wales or Northern Ireland.
- A CSO may require the child to reside in another EU member state or in a state which is party to the Hague Convention of 1996 on Jurisdiction etc. There is no mechanism to enforce the child's return to Scotland in these circumstances. If such an order may be considered by the children's hearing, the reporter must inform their Senior Practitioner or Locality Reporter Manager, and the Practice Team.

Children on non-Scottish orders placed in Scotland

- Certain orders made in England, Wales or Northern Ireland may require a child to live in Scotland. If certain conditions are met, these orders are to operate as if they were compulsory supervision orders. However, there is no responsibility on the reporter to record the order, initiate any reviews or otherwise take any action with regard to it. These orders cease to have effect if the child is referred to a children's hearing and made subject to a compulsory supervision requirement or interim compulsory supervision requirement.

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1. Introduction

1.1 There are legislative provisions which create a range of powers and procedures in relation to children who are:

- subject to certain legal orders in other parts of the UK and who are placed in, or are moving to, Scotland, or
- subject to a compulsory supervision order and moving from Scotland to another part of the UK.

There are also provisions related to the enforcement by the police in other parts of the UK of orders made in Scotland.

This Practice Direction provides information to reporters about these powers and procedures, and gives direction about how reporters are to apply them in practice.

1.2 The relevant statutory provisions which relate to the transfer to Scotland of orders made in the other UK concerning children are contained in The Cross-border Placement of Children (Requirements, Effect and Enforcement) (Scotland) Regulations 2026 (the “Cross-border Regulations”)

1.3 The relevant statutory provisions which relate to the transfer of a compulsory supervision order made by a children’s hearing to another part of the UK, as well as those provisions related to enforcement of Scottish orders, are contained in The Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013 (the “Consequential Provisions Order”).

As the Consequential Provisions Order regulates various matters in England, Wales and Northern Ireland, it is a UK statutory instrument.

1.4 This Practice Direction does not consider questions relating to the jurisdiction of a children’s hearing. Information about jurisdiction can be found in Appendix 2 of Practice Direction 5 on Receipt and Registration of Referrals.

2. Transfer of Order to Scotland

2.1 Courts in England and Wales may make children subject to care orders, supervision orders or educational supervision orders under the Children Act 1989 (the “1989 Act”). Courts in Northern Ireland may make children subject to care orders, supervision orders or educational supervision orders under the Children (Northern Ireland) Order 1995 (the “1995 Order”).

- 2.2 If a child is subject to one of these orders and has moved to Scotland (or it is proposed will move), the Cross-border Regulations provide a procedure whereby these orders may in effect be converted into a compulsory supervision order (“CSO”). Once the care order, supervision order or educational supervision order has been converted into a CSO, it will cease to have effect for the purposes of the law in England, Wales or Northern Ireland¹.
- 2.3 If the child is subject to a care order under either section 31(1)(a) of the 1989 Act or article 50(1)(a) of the 1995 Order, it will be converted into a CSO if the following requirements are met²:
- The court in England, Wales or Northern Ireland has given approval to the local authority in that country (the “home local authority”) to arrange, or assist in arranging, for the child to live in Scotland.
 - The local authority for the area in Scotland in which the child is to live (the “host local authority”) has notified the court in writing that it agrees to take over the care of the child – this notification to the court must be through the Principal Reporter.
 - The home local authority has notified the court that it agrees to the host local authority taking over the care of the child.
- 2.4 The specific orders referred to in the 1989 Act and 1995 Order do not include interim orders (which are made under section 38 of the 1989 Act and article 57 of the 1995 Order) .
- 2.5 In respect to the second requirement stated above, on being told by the host local authority that it agrees to take over the care of the child, the reporter must write to the relevant court in England, Wales or Northern Ireland to confirm this.
- 2.6 The care order transferred will be treated as a CSO from the date when the three elements are all in place. There is no prescribed order for them to happen. However, it is essential for the reporter to obtain the date of all three elements being met, so that the start date of the CSO can be recorded. Although the Transfer of Cross-border Regulations do not specify the “relevant period” for such a CSO, the reporter is to record the end date of the CSO in the same way as recording the end date of a first CSO made by a children’s hearing, the earlier of:

¹ Article 15 of the Consequential Provisions Order. Note, however, that at the date of the Cross-border Regulations coming into force (9/2/26), Article 15 still made reference to the superseded Regulations and will require to be amended. The consequences of a transfer to Scotland prior to such amendment are unclear. Please advise a Senior Practitioner and contact the Practice Team.

² Regulation 43 of the Cross-border Regulations in relation to children in England or Wales. Regulation 45 of the Cross-border Regulations in relation to children in Northern Ireland.

- The day one year after the day on which the CSO commenced;
or
- The day on which the child attains the age of 18 years.

In any event, the host local authority must require a review of the CSO (see paragraph 2.10 below).

2.7 If the child is subject to a supervision order or an education supervision order under either section 31 or 36 the 1989 Act or article 50 or 55 of the 1995 Order, it will be converted into a CSO if the following requirements are met³:

- The home local authority has notified the host local authority the proposed transfer of the child to Scotland.
- The local authority for the area in Scotland in which the child is to live (the “host local authority”) has consented to the proposed transfer in writing.

2.8 The specific orders referred to in the 1989 Act and 1995 Order do not include interim orders (which are made under section 38 of the 1989 Act and article 57 of the 1995 Order) .

2.9 Unlike the situation where a child is subject to a care order, the reporter is not involved in the process where a child is subject to a supervision order or an education order. The supervision order or education supervision order will be treated as a CSO from the date when the two elements are both in place. There is no prescribed order for them to happen. However, when the local authority in Scotland requires a review of the CSO (see paragraph 2.10), the reporter is to obtain the date of the two requirements being met, so that the start date of the CSO can be recorded.

Although the Cross-border Regulations do not specify the “relevant period” for such a CSO, the reporter is to record the end date of the CSO in the same way as recording the end date of a first CSO made by a children’s hearing, the earlier of:

- The day one year after the day on which the CSO commenced;
or
- The day on which the child attains the age of 18 years.

In any event, the host local authority must require a review of the CSO (see paragraph 2.10 below).

2.10 When the host local authority becomes aware that the care order, supervision order or educational supervision order is now a CSO

³ Regulation 44 of the Cross-border Regulations in relation to children in England or Wales.
Regulation 46 of the Cross-border Regulations in relation to children in Northern Ireland.

under either of the processes in paragraphs 2.6 and 2.9 above, the local authority must require a review of the CSO⁴.

- 2.11 When the host local authority requires a review of the CSO under section 131(2)(f), the reporter must arrange the children's hearing to take place no later than 20 working days after receiving the notice from the local authority⁵.
- 2.12 Until all three elements of the process are complete in relation to a care order, or both elements in relation to a supervision or education order, responsibility under the order remains with the appropriate authorities in England, Wales or Northern Ireland. Once the reporter is aware that all elements of the process are complete, the reporter is to be proactive in alerting the host local authority to its duty to request a review.

3. Transfer of CSO to England or Wales

- 3.1 If a child is subject to a CSO and has moved to England or Wales (or it is proposed will move), the Consequential Provisions Order provides a procedure whereby a CSO may be converted into a care order, supervision order or education supervision order under the 1989 Act. Once the CSO has been converted into an order under the 1989 Act, it will cease to have effect for the purposes of the law in Scotland⁶.
- 3.2 If the child is subject to a CSO, it will be converted into an order under the 1989 Act if the following requirements are met⁷:
 - The relevant person has given notice under section 134(2) that the relevant person proposes to take the child to live in England or Wales.
 - The review children's hearing arranged under section 134(3)⁸ decides to continue the CSO (with or without variation).
 - The Principal Reporter has notified the local authority in England or Wales (in whose area the child would reside) of the proposed transfer.
 - The LA in England or Wales has informed the Principal Reporter in writing that it consents to the proposed transfer.

⁴ Section 131(2)(f) as modified by Regulation 47(2)(b) of the Cross-border Regulations (Such modification does not amend the Act but operates only in the limited circumstances set out in the Regulations.)

⁵ Section 137(3A) as modified by Regulation 47(2)(c) of the Cross-border Regulations

⁶ Article 13(6) of the Consequential Provisions Order.

⁷ Article 13 of the Consequential Provisions Order.

⁸ This review hearing is arranged following notice being given under section 134(2).

- 3.3 The initial requirement for a relevant person to give notice under section 134(2) is a narrow one. However, we consider that it can be met by the implementation authority giving notice on behalf of the relevant person. The reporter is to be proactive in encouraging local authorities to be alert to this possibility. Having received notice under section 134(2) (whether from the relevant person directly or indirectly), it is important that the review hearing to be arranged is arranged under section 134(3).
- 3.4 The review children's hearing does not make a decision to transfer the CSO; the requirement stated above is that the hearing decided to continue the CSO with or without variation. However, it should be clear from the discussion at the hearing and the reasons for decision whether the hearing considers a transfer to be appropriate. If the reporter is of a different view, the reporter must consult with their Locality Reporter Manager or Senior Practitioner and Practice Team before deciding whether to notify the local authority in England or Wales.
- 3.5 The CSO will become a different order in different circumstances of the case.
- 3.5.1 The CSO will become a supervision order under the 1989 Act if the CSO requires child to reside in:
- accommodation provided by the parents or relatives of the child,
 - accommodation provided by any person associated with them or the child, or
 - any other accommodation not provided by a local authority.
- 3.5.2 The CSO will become a care order under the 1989 Act if the CSO does not require the child to reside in the type of accommodation in paragraph 3.5.1.
- 3.5.3 The CSO will become an education supervision order under the 1989 Act if the CSO is in relation to a child who is of compulsory school age and the order was made after acceptance or establishment of a s.67(2)(o) ground.
- 3.6 In writing to the local authority in England or Wales⁹, the reporter is to send to the local authority:
- A copy of the CSO, decision and reasons for decision from the review hearing; and
 - A copy of the hearing papers from the review hearing.

⁹ A style letter is at Appendix A.

This information will assist the local authority in deciding whether to accept a transfer of the order. In sending the information the reporter is to draw to the attention of the local authority the terms of the CSO and the section 67 ground that has been considered by the hearing. This will assist the local authority in determining the type of order under the 1989 Act that will come into force if the order is transferred.

- 3.7 The CSO transferred will be treated as the relevant order in England or Wales from the date when the four elements in paragraph 3.2 are all in place. There is no prescribed order for them to happen. It would appear possible that the consent of the local authority to the proposed transfer could be given some months after the children's hearing arranged under section 134(3) decides to continue the CSO (it could even be given after another children's hearing has carried out a further review of the CSO).
- 3.8 Until all four elements of the process are complete, the CSO remains the responsibility of the implementation authority. The reporter must keep track of the progress of the case and a review hearing must be arranged if the end date of the CSO is approaching before the transfer process has been completed. Where all stages of a transfer of a CSO to England or Wales are completed, the reporter is to write to both of the local authorities, the child and relevant persons to confirm the situation. Standard letters are available in the Appendices to this Practice Direction. The case reporter is to consult with a Senior Practitioner before sending the letter to provide a double-check that all essential elements of the transfer process are in place.

4. Transfer of CSO to Northern Ireland

- 4.1 If a child is subject to a CSO and has moved to Northern Ireland (or it is proposed will move), the Consequential Provisions Order provides a procedure whereby a CSO may be converted into a care order, supervision order or education supervision order under the 1995 Order. Once the CSO has been converted into an order under the 1995 Order, it will cease to have effect for the purposes of the law in Scotland¹⁰.
- 4.2 If the child is subject to a CSO, it will be converted into an order under the 1995 Order if the following requirements are met¹¹:
- The relevant person has given notice under section 134(2) that the relevant person proposes to take the child to live in Northern Ireland.

¹⁰ Article 14(6) of the Consequential Provisions Order .

¹¹ Article 14 of the Consequential Provisions Order.

- The review children’s hearing arranged under section 134(3)¹² decides to continue the CSO (with or without variation).
 - The Principal Reporter has notified in writing the local authority in Northern Ireland (in whose area the child would reside) of the proposed transfer.
 - The LA in Northern Ireland has informed the Principal Reporter in writing that it consents to the proposed transfer.
- 4.3 The initial requirement for a relevant person to give notice under section 134(2) is a narrow one. However, we consider that it can be met by the implementation authority giving notice on behalf of the relevant person. The reporter is to be proactive in encouraging local authorities to be alert to this possibility. Having received notice under section 134(2) (whether from the relevant person directly or indirectly), it is important that the review hearing to be arranged is arranged under section 134(3).
- 4.4 The review children’s hearing does not make a decision to transfer the CSO; the requirement stated above is that the hearing decided to continue the CSO with or without variation. However, it should be clear from the discussion at the hearing and the reasons for decision whether the hearing considers a transfer to be appropriate. If the reporter is of a different view, the reporter must consult with their Locality Reporter Manager or Senior Practitioner and Practice Team before deciding whether to notify the local authority in Northern Ireland.
- 4.5 If the CSO has been made only in relation to an offence ground under section 67(2)(j), the CSO cannot be transferred to Northern Ireland¹³. There is no specific prohibition on a CSO being transferred if it was previously a supervision requirement and it was made only in relation to an offence ground under section 52(2)(i) of the Children (Scotland) Act 1995. However, it may be that a local authority in Northern Ireland would not consent to a transfer in such circumstances.
- 4.6 The CSO will become a different order in different circumstances of the case.
- 4.6.1 The CSO will become a supervision order under the 1995 Order if the CSO requires child to reside in:
- accommodation provided by the parents or relatives of the child,
 - accommodation provided by any person associated with them or the child, or

¹² This review hearing is arranged following notice being given under section 134(2).

¹³ Article 14(1) of the Consequential Provisions Order.

- any other accommodation not provided by a local authority.

4.6.2 The CSO will become a care order under the 1989 Act if the CSO does not require the child to reside in the type of accommodation in paragraph 4.6.1.

4.6.3 The CSO will become an education supervision order under the 1989 Act if the CSO is in relation to a child who is of compulsory school age and the order was made after acceptance or establishment of a s.67(2)(o) ground.

4.7 In writing to the local authority in Northern Ireland¹⁴, the reporter is to send to the local authority:

- A copy of the CSO, decision and reasons for decision from the review hearing; and
- A copy of the hearing papers from the review hearing.

This information will assist the local authority in deciding whether to accept a transfer of the order. In sending the information the reporter is to draw to the attention of the local authority the terms of the CSO and the section 67 ground that has been considered by the hearing. This will assist the local authority in determining the type of order under the 1989 Act that will come into force if the order is transferred.

4.8 The CSO transferred will be treated as the relevant order in Northern Ireland from the date when the four elements in paragraph 4.2 are all in place. There is no prescribed order for them to happen. It would appear possible that the consent of the local authority to the proposed transfer could be given some months after the children's hearing arranged under section 134(3) decides to continue the CSO (it could even be given after another children's hearing has carried out a further review of the CSO).

4.9 Until all four elements of the process are complete, the CSO remains the responsibility of the implementation authority. The reporter must keep track of the progress of the case and an annual review must be arranged if the end date of the CSO is approaching before the transfer process has been completed. Where all stages of a transfer of a CSO to Northern Ireland are completed, the reporter is to write to both of the local authorities, the child and relevant persons to confirm the situation. Standard letters are available in the Appendices to this Practice Direction. The case reporter is to consult with a Senior Practitioner before sending the letter to provide a double-check that all essential elements of the transfer process are in place.

¹⁴ A style letter for this notification is at Appendix B.

5. Enforcement of Order in England, Wales or Northern Ireland

5.1 If an order made by a children’s hearing or sheriff includes a measure “authorising the keeping of a child in a particular place”, the order may be enforced in England, Wales and Northern Ireland. We think that both a measure requiring a child to reside at a specified place and a measure requiring a child to reside in a place of safety will be measures “authorising the keeping of a child in a particular place”¹⁵. However, it will be for the police, not the reporter, to decide whether the terms of the order are such that it can be enforced under these provisions.

5.2 If the child is in England, Wales or Northern Ireland, the police in those place may enforce various orders (see paragraph 5.3) by:

- searching for the child;
- apprehending the child;
- taking the child to the place in the order;
- taking the child to, and detaining the child in, a place of safety for as short a period as practicable, if it is not reasonably practicable to take the child immediately to the place in the order; and
- entering premises if the police have reasonable grounds for believing the child is on those premises¹⁶.

In exercising these powers, the police may use reasonable force if necessary¹⁷. This provision is similar to section 168 of the Act which applies if the child is in Scotland.

5.3 If the order authorises the keeping of the child in a particular place (see paragraph 5.1 above), the following orders can be enforced by the police in this way:

- a child assessment order;
- a child protection order;
- an order from a justice of the peace under section 55 of the Act;
- a compulsory supervision order;
- an interim compulsory supervision order;
- medical examination order¹⁸.

¹⁵ The same phrase is used in section 168 of the Act in relation to the enforcement of orders in Scotland.

¹⁶ Article 5(2) of the Consequential Provisions Order.

¹⁷ Article 5(3) of the Consequential Provisions Order.

¹⁸ Article 5(4) of the Consequential Provisions Order.

5.4 If a warrant to secure attendance (made by a children’s hearing or sheriff) is in force and the child is in England, Wales or Northern Ireland, the police may enforce the warrant by:

- searching for the child;
- apprehending the child;
- taking the child to, and detaining the child in, a place of safety;
- bringing the child before the children’s hearing or sheriff (whichever proceedings the warrant was issued in relation to); and
- entering premises if the police have reasonable grounds for believing the child is on those premises¹⁹.

In the exercise of these powers, the police may use reasonable force if necessary.²⁰

5.5 In certain situations where a child has absconded or failed to return to a place, and the child is in England, Wales or Northern Ireland, the police in those places may arrest the child without a warrant. The police may do when the child requires to be kept in a particular place or a person has control over a child by virtue of various orders made by a children’s hearing or sheriff²¹. These provisions are similar to sections 169 and 170 of the Act which apply if the child is in Scotland.

5.6 Articles 10 and 11 of the Consequential Provisions Order create various offences in England, Wales and Northern Ireland in relation to a child absconding and the intentional obstruction of a person acting under a number of provisions of the Act. These provisions are similar to sections 59 and 171 of the Act which apply if the child is in Scotland.

6. Measure requiring Child to reside outwith Scotland

6.1 A children’s hearing or sheriff may include a measure in a CSO or ICSO which requires the child to reside at a specified place.

6.2 By virtue of Article 7 of the Consequential Provisions Order the place named in such a measure in a CSO or ICSO may be in England or Wales (but not Northern Ireland). Despite Northern Ireland not being mentioned in Article 7, our view is that it is still competent for a children’s hearing to name a place in Northern Ireland in a measure²².

¹⁹ Article 6(2) of the Consequential Provisions Order.

²⁰ Article 6(3) of the Consequential Provisions Order.

²¹ See Articles 8(1)(a) and 9(1)(a) of the Consequential Provisions Order.

²² We are of this view because:

- Article 7 does not prevent a requirement to reside in Northern Ireland.
- The definition of a “residential establishment” in section 202 of the Act includes an establishment in Northern Ireland;

6.3 Paragraphs 3.3 and 4.3 outline the apparent difficulties in transferring a CSO to England, Wales or Northern Ireland when a review children’s hearing has not at any time been arranged under section 134(3)²³. These difficulties are likely to arise in a situation where:

- a CSO has included a measure requiring a child to reside in England, Wales or Northern Ireland (for example with kinship carers there), and
- at a later date the implementation authority wishes to transfer the CSO to become an order in that place.

6.4 It is questionable whether it is competent for a children’s hearing or sheriff to include a measure in a CSO or ICSO which requires the child to reside at a specified place outwith the UK²⁴.

6.5 However, Regulation 12 of the Parental Responsibility and Measures for the Protection of Children (International Obligations) (Scotland) Regulations 2010 outlines a procedure to be followed where a children’s hearing is contemplating including a measure in a CSO or ICSO which requires a child to reside in “in institutional care or with a foster family” in:

- another EU member state or a state party to the Hague Convention of 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

If such an order may be considered by a children’s hearing, the reporter should inform a Senior Practitioner or Locality Reporter Manager in their locality and contact a member of the Practice Team.

6.6 Although Regulation 12 suggests that it may be competent to include such a measure in a CSO or ICSO, the practical value of this option will be limited as:

- It will not override the requirements of section 2(3) of the Children (Scotland) Act 1995. Section 2(3) prohibits the removal from the UK of a child habitually resident in Scotland without the consent of any person who has and is exercising

• As noted in section 5 above, if a child is in Northern Ireland the police can take action if the child has absconded or failed to return, or if there is a warrant to secure the child’s attendance at a children’s hearing.

²³ This review hearing is arranged following a relevant person giving notice under section 134(2) that they propose to take the child to live outwith Scotland.

²⁴ At paragraph 11-03 of “Children’s Hearings in Scotland” (3rd edition), Professor Norrie says it is “almost certainly incompetent” to do so.

certain parental rights in relation to the child (including the right to maintain personal relations and direct contact on a regular basis).

- The effect of such a measure is likely to be that the child will become habitually resident in the other state and therefore the children's hearing will no longer have jurisdiction over the child.
- Even if the children's hearing retains jurisdiction there is no mechanism (such as a warrant to secure attendance) to enforce the child's return to Scotland to attend a children's hearing.

7. Children on non-Scottish orders placed in Scotland

- 7.1 Children subject to certain orders made in England, Wales or Northern Ireland will on occasions be required to reside by virtue of those orders in residential accommodation or foster placements in Scotland.²⁵ There is no requirement for the reporter to be notified of these placements.
- 7.2 If certain conditions are met, these orders are treated for some purposes as if they were compulsory supervision orders. The Cross-border Regulations detail what these conditions are. Notwithstanding an order may be treated as a CSO, there is no responsibility on the reporter to record the order, initiate any reviews or otherwise take any action with regard to it.
- 7.3 Children subject to orders from England, Wales or Northern Ireland and placed in Scotland may be referred to the reporter due to concerns about them while they reside in Scotland. On the basis that the child is present in Scotland, the reporter – and the children's hearing - have jurisdiction in respect of such children.²⁶ The reporter is to take the usual approach to deciding whether the child is in need of protection, guidance, treatment or control and whether a CSO is necessary. The existence of the non-Scottish order and the services in place as a result of that order are likely to be a consideration in making that decision.
- 7.4 If the reporter arranges a children's hearing for a child subject to a non-Scottish order and the child is made subject to an ICSO or a CSO, then the original order ceases to have effect.²⁷

²⁵ These orders are specified in the Cross-border Regulations and include care orders, supervision orders and deprivation of liberty orders.

²⁶ For further guidance on question of jurisdiction, see the Appendix to Practice Direction 5.

²⁷ Section 42 of the Cross-border Regulations

Appendix A

Style letter informing local authority in England or Wales of possible transfer of CSO

Dear

Child's name:

Date of birth:

Address:

Possible transfer of compulsory supervision order under The Children's Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013

The above named child is currently the subject of a compulsory supervision order made by a children's hearing in Scotland. The implementation authority for the order is [] Council.

The child now lives at the above address in your local authority area and it is proposed that the order is transferred to your local authority under article 13 of The Children's Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013 (the "Consequential Provisions Order").

On behalf of the Principal Reporter I am notifying you of the proposed transfer in terms of article 13(1)(c). I can confirm that the requirements of article 13(1)(a) and (b) have been met as:

- A relevant person in relation to the child has given notice under section 134(2) of the Children's Hearings (Scotland) Act 2011 (the "2011 Act") that they propose to take the child to live in England or Wales. [This notice was received from a social worker from the implementation authority who provided it on behalf of the relevant person.]
- A review children's hearing on [date], arranged under section 134(3) of the 2011 Act, decided to continue the compulsory supervision order.

I have enclosed:

- A copy of the compulsory supervision order, decision and reasons for decision from that children's hearing; and
- A copy of the hearing papers from the most recent children's hearing.

[A further review children's hearing has taken place since the children's hearing on [date] arranged under section 134(3). That children's hearing also decided to continue the compulsory supervision order. I have also enclosed a copy of the compulsory supervision order, decision and reasons from that children's hearing.]

Please confirm in writing whether or not your local authority consents to the proposed transfer of the order.

You will note from article 13 that if you consent to the transfer, the order will, in effect, become a supervision order, care order or education supervision order under the Children Act 1989.

Appendix B

Style letter informing local authority in Northern Ireland of possible transfer of CSO

Dear

Child's name:

Date of birth:

Address:

Possible transfer of compulsory supervision order under The Children's Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013

The above named child is currently the subject of a compulsory supervision order made by a children's hearing in Scotland. The implementation authority for the order is [] Council.

The child now lives at the above address in your local authority area and it is proposed that the order is transferred to your local authority under article 14 of The Children's Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013 (the "Consequential Provisions Order").

On behalf of the Principal Reporter I am notifying you of the proposed transfer in terms of article 14(1)(c). I can confirm that the requirements of article 14(1)(a) and (b) have been met as:

- A relevant person in relation to the child has given notice under section 134(2) of the Children's Hearings (Scotland) Act 2011 (the "2011 Act") that they propose to take the child to live in England or Wales. [This notice was received from a social worker from the implementation authority who provided it on behalf of the relevant person.]
- A review children's hearing on [date], arranged under section 134(3) of the 2011 Act, decided to continue the compulsory supervision order.

I have enclosed:

- A copy of the compulsory supervision order, decision and reasons for decision from that children's hearing; and
- A copy of the hearing papers from the most recent children's hearing.

[A further review children's hearing has taken place since the children's hearing on [date] arranged under section 134(3). That children's hearing also decided to continue the compulsory supervision order. I have also enclosed a copy of the compulsory supervision order, decision and reasons from that children's hearing.]

Please confirm in writing whether or not your local authority consents to the proposed transfer of the order.

You will note from article 14 that if you consent to the transfer, the order will, in effect, become a supervision order, care order or education supervision order under the Children (Northern Ireland) Order 1995.