

2012 No. 1 (C. 1)

CHILDREN AND YOUNG PERSONS

LEGAL AID AND ADVICE

**The Children's Hearings (Scotland) Act 2011 (Commencement
No. 3) Order 2012**

| | | |
|--|---------|--------------------------|
| <i>Made</i> | - - - - | <i>9th January 2012</i> |
| <i>Laid before the Scottish Parliament</i> | | <i>11th January 2012</i> |
| <i>Coming into force</i> | - - | <i>31st January 2012</i> |

The Scottish Ministers make the following Order in exercise of the powers conferred on them by section 206(2) of the Children's Hearings (Scotland) Act 2011^(a) and of all other powers enabling them to do so.

Citation and interpretation

1.—(1) This Order may be cited as the Children's Hearings (Scotland) Act 2011 (Commencement No. 3) Order 2012 and comes into force on 31st January 2012.

(2) In this Order—

“the Act” means the Children's Hearings (Scotland) Act 2011;

“the 1986 Act” means the Legal Aid (Scotland) Act 1986^(b).

Appointed day

2.—(1) The provisions of the Act specified in column 1 of the Schedule, in so far as they are not already in force, come into force on the day appointed in column 2 so as to enable the provisions of the 1986 Act which are specified in column 3 to come into force on that day for the purpose specified in column 4.

^(a) 2011 asp 1.

^(b) 1986 c.47.

(2) Section 203(1) of the Act (consequential amendments and repeals) comes into force on 31st January 2012 for the purpose of bringing into force the amendments to the 1986 Act which are made by paragraph 8(a) and (b) of schedule 5 to the Act.

AILEEN CAMPBELL

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
9th January 2012

SCHEDULE

Article 2

Provisions of Part 19 of the Act coming into force

| <i>Column 1</i> <i>Provision of the Act</i> | <i>Column 2</i> <i>Appointed day</i> | <i>Column 3</i> <i>Provision of the 1986 Act</i> | <i>Column 4</i> <i>Purpose for which provision of the 1986 Act comes into force</i> |
|--|---|---|--|
| Section 191 (Legal aid and advice) | 31st January 2012 | Section 28B(2) (Children's legal aid) | For all purposes |
| Section 191 (Legal aid and advice) | 31st January 2012 | Section 28M(7) (Register of solicitors and firms eligible to provide children's legal assistance) | Only in respect of applying section 25A(5) and (6) of the 1986 Act for the purposes of enabling the Scottish Legal Aid Board to determine the form of the application for entry on the register of solicitors and firms eligible to provide children's legal assistance under section 28M of the 1986 Act, to specify the documents which are to accompany the application and to invite and consider comments on its draft proposals. |
| Section 191 (Legal aid and advice) | 31st January 2012 | Section 28N (Code of Practice) | For all purposes |
| Section 191 (Legal aid and advice) | 26th March 2012 | Section 28M(1), (2), (7) and (8) (Register of solicitors and firms eligible to provide children's legal assistance) | For all purposes |
| Section 191 (Legal aid and advice) | 26th March 2012 | Section 28S (Publication of register etc.) | For all purposes |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 31st January 2012 and 26th March 2012 certain provisions of the Children's Hearings (Scotland) Act 2011 ("the Act").

The commencement of the provisions is to enable the Scottish Legal Aid Board to undertake preparatory works in relation to the establishment and maintenance of a register of solicitors and firms eligible to provide children's legal assistance and to enable them to receive applications for entry on the register from solicitors and firms from 26th March 2012 in advance of the day when the provisions that relate to the register will be brought into force for all purposes.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The Act received Royal Assent on 6th January 2011 and Part 20 (other than section 203) came into force on that day. The provisions of the Act commenced by earlier commencement orders are detailed in the table below.

| <i>Provision</i> | <i>Date of commencement</i> | <i>S.S.I. No.</i> |
|--|-----------------------------|-------------------|
| Section 1 and schedule 1, paragraph 8(7) | 19th January 2011 | 2011/8 |
| Sections 2, 3 (partially), 10, 11, 12, 13 and schedule 1, paragraphs 1 to 7, 8(1) to (6) and (8) to (10), 9, 11, 15(1) to (5), 16, 17(1) and 18 to 25. | 18th April 2011 | 2011/111 |

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