

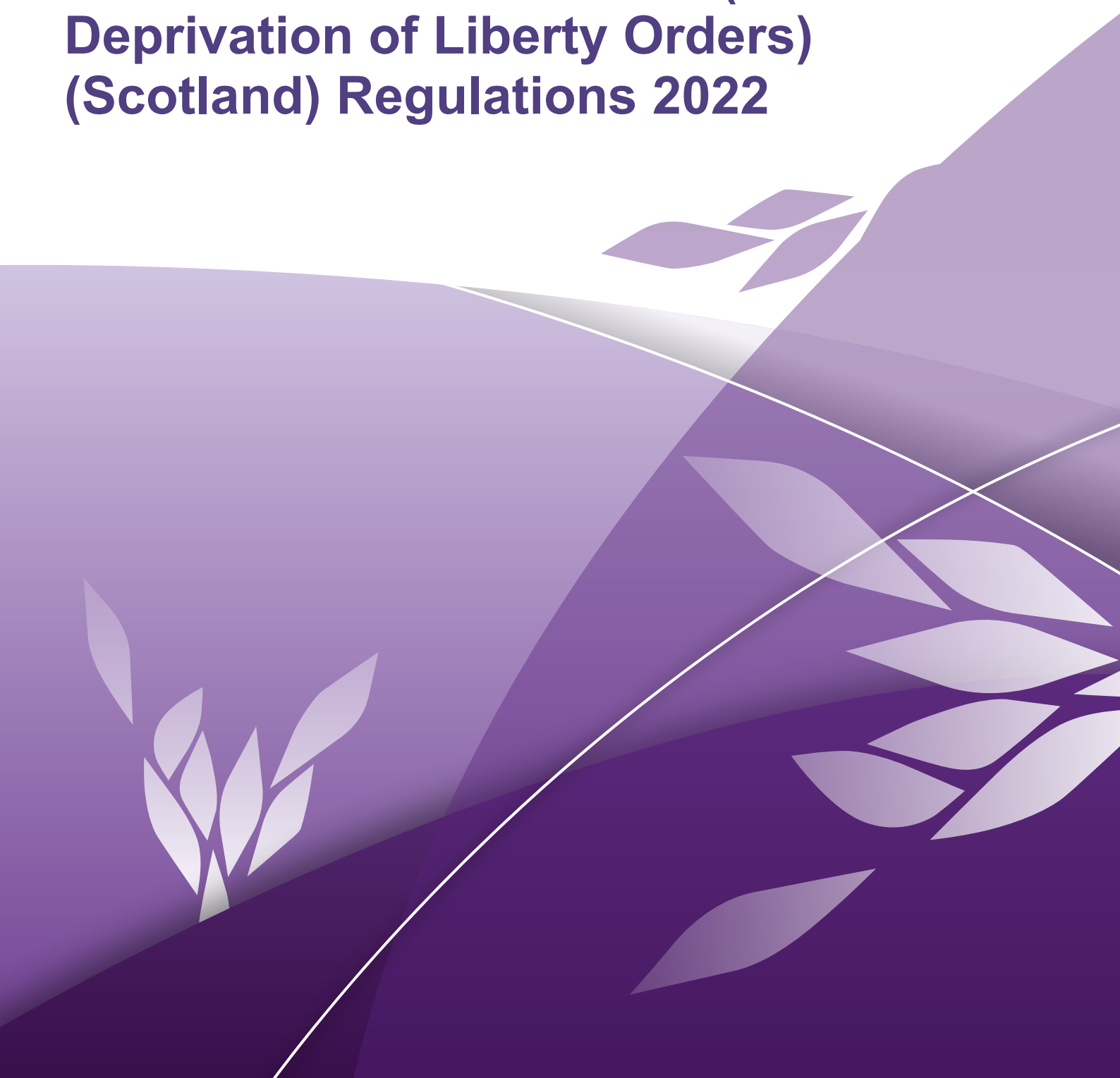


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Education, Children and Young People Committee

Cross-border Placements (Effect of Deprivation of Liberty Orders) (Scotland) Regulations 2022



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Education, Children and Young People Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills and matters relating to the Historical Abuse Inquiry within the responsibility of the Deputy First Minister.



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Committee Membership



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Scottish Conservative
and Unionist Party



Deputy Convener
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Ruth Maguire
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Michael Marra
Scottish Labour



Oliver Mundell
Scottish Conservative
and Unionist Party



Willie Rennie
Scottish Liberal
Democrats

Introduction

1. At its meeting on 1 June 2022, the Education, Children and Young People Committee considered subordinate legislation which is subject to the affirmative procedure. The report summarises the purpose and the scrutiny of the instrument as well as confirming the Committee's decision.

Instrument Overview

2. [The Cross-border Placements \(Effect of Deprivation of Liberty Orders\) \(Scotland\) Regulations 2022](#) were laid by the Scottish Government on 26 April 2022.
3. The purpose of the instrument is set out in the [policy note](#) as follows—
 - ” The purpose of these Regulations is to make provision for Deprivation of Liberty (DOL) orders made under the inherent jurisdiction of the High Court of England and Wales or made by the High Court of Justice in Northern Ireland to be recognised in Scots law. The Regulations provide for a DOL order to be treated as if it were a Compulsory Supervision Order (CSO) made under the 2011 Act for specified purposes and subject to certain conditions.

Delegated Powers and Law Reform Committee

4. The Delegated Powers and Law Reform Committee considered the instrument on [3 May 2022](#) and made no comment on the instrument.

Education, Children and Young People Committee

5. At its meetings on [18 May](#), [23 May](#) and 1 June 2022 the Committee considered the Cross-border Placements (Effect of Deprivation of Liberty Orders) (Scotland) Regulations 2022.
6. At its meeting on [18 May 2022](#) the Committee heard evidence from Nick Hobbs, Head of Advice and Investigations and Maria Galli, Legal Officer, Children and Young People's Commissioner Scotland.
7. The Committee also received written evidence from the [Children and Young People's Commissioner Scotland Office](#) , [Professor Richard Olver, Chair of Children's Health Scotland](#) and [Dr Claire Methven O'Brien, Lecturer in Law, University of Dundee](#).
8. [Clan ChildLaw](#) also wrote to the Committee on 31 May 2022 regarding their advocacy role within the cross border system.
9. The Committee received correspondence from Clare Haughey MSP, Minister for Children and Young People on [23 May 2022](#).
10. At its meeting on 25 May 2022 the Committee heard evidence from Clare Haughey MSP, Minister for Children and Young People, Hannah Graham, Team Leader, Improving Lives for Care Experience Unit, Tom McNamara, Head of Youth Justice, and Claire Montgomery, Solicitor, Scottish Government Legal Directorate.

Conclusion

11. At the Committee's meeting on 1 June 2022, Clare Haughey MSP, Minister for Children and Young People moved:

S6M-04165— That the Education, Children and Young People Committee recommends that the Cross-border Placements (Effect of Deprivation of Liberty Orders) (Scotland) Regulations 2022 be approved.

12. The motion was agreed to without division.

