
STATUTORY INSTRUMENTS

2014 No. 2747

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
CHILDREN AND YOUNG PERSONS**

**The Children’s Hearings (Scotland) Act
2011 (Consequential Provisions) Order 2014**

<i>Made</i>	- - - -	<i>13th October 2014</i>
<i>Laid before Parliament</i>		<i>15th October 2014</i>
<i>Coming into force</i>	- -	<i>6th November 2014</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1), 113(2) and (5) of the Scotland Act 1998⁽¹⁾.

Citation and commencement

1. This order may be cited as the Children’s Hearings (Scotland) Act 2011 (Consequential Provisions) Order 2014, and comes into force on 6th November 2014.

Data Protection (Subject Access Modification) (Health) Order 2000

2. (1) The Data Protection (Subject Access Modification) (Health) Order 2000⁽²⁾ (“the Health Order”) as it applies in Scotland and Northern Ireland is amended as follows.

(2) In article 4(2) (exemption from the subject information provisions), for “or the Children’s Hearings (Scotland) Rules 1996” substitute “, the Children’s Hearings (Scotland) Rules 1996⁽³⁾ or the Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013⁽⁴⁾”.

3. (1) The Health Order as it applies in England and Wales is amended as follows.

(2) In article 4(2) after “1996”, insert “, the Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013”.

(1) 1998 c.46.

(2) S.I. 2000/413. Article 4(2) was amended, for England and Wales, by the Family Procedure (Modification of Enactments) Order (S.I. 2011/1045), article 20.

(3) S.I. 1996/3261.

(4) S.S.I. 2013/194.

Data Protection (Subject Access Modification) (Education) Order 2000

4. (1) The Data Protection (Subject Access Modification) (Education) Order 2000⁽⁵⁾ is amended as follows.

(2) In article 4(2) (exemption from the subject information provisions), for “or the Children’s Hearings (Scotland) Rules 1996” substitute “, the Children’s Hearings (Scotland) Rules 1996 or the Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013”.

Data Protection (Subject Access Modification) (Social Work) Order 2000

5. (1) The Data Protection (Subject Access Modification) (Social Work) Order 2000⁽⁶⁾ is amended as follows.

(2) In paragraph 2 of the Schedule (personal data to which this Order applies), after “Children’s Hearings (Scotland) Rules 1996” insert “, the Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013”.

Data Protection (Miscellaneous Subject Access Exemptions) Order 2000

6. (1) The Data Protection (Miscellaneous Subject Access Exemptions) Order 2000⁽⁷⁾ is amended as follows.

(2) In the Schedule (exemptions from section 7), in paragraph (b) of Part III (enactments and instruments extending to Scotland) at the end insert—

“The Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013.”.

Dover House, London
13th October 2014

David Mundell
Parliamentary Under Secretary of State
Scotland Office

(5) [S.I. 2000/414](#).

(6) [S.I. 2000/415](#). Paragraph (2) of the Schedule was amended by the Data Protection (Subject Access Modification) (Social Work) (Amendment) Order 2005 ([S.I. 2005/467](#)), and, for England and Wales, by article 5(4) Family Procedure (Modification of Enactments) Order 2011 ([S.I. 2011/1045](#)), article 24(b).

(7) [S.I. 2000/419](#).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision consequential on the Children's Hearings (Scotland) Act 2011 ([asp 1](#)) ("the 2011 Act"), which restates and updates the law relating to children's hearings in Scotland.

The Order amends four orders made under the Data Protection Act 1998 ("the 1998 Act") in consequence of the 2011 Act, namely,

- the Data Protection (Subject Access Modification) (Health) Order 2000;
- the Data Protection (Subject Access Modification) (Education) Order 2000;
- the Data Protection (Subject Access Modification) (Social Work) Order 2000; and
- the Data Protection (Miscellaneous Subject Access Exemptions) Order 2000.

These orders provide for the partial exemption from the provisions of the 1998 Act, which confer rights on data subjects to gain access to data held about them, in relation to certain specific areas e.g. social work or education.

This order amends the orders listed above to insert a reference exempting information provided under the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 ([S.S.I. 2013/194](#)) from the subject information provisions, in terms of Part 4 of the 1998 Act, in the circumstances governed by these orders.