

ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 12 – Children’s Hearings

Section 135 – Supervision requirements: conditions restricting movement

297. **Section 135** amends section 70 of the Children (Scotland) Act 1995 to enable children’s hearings to impose, as a condition of a supervision requirement, a “movement restriction condition”, the meaning of which it sets out in subsection (4), which inserts new subsection 11. Subsection (2) amends section 70(9) of the Act to enable a children’s hearing to provide for a child to be kept in secure accommodation or alternatively to impose a movement restriction condition. In either case the hearing must be satisfied that the child is otherwise likely to abscond, with risk to his welfare, or is likely to injure himself or others, and also that it is necessary to proceed in such manner. Consequential amendments to the Children (Scotland) Act 1995, which arise from the introduction of tagging through the hearings, are set out in Schedule 4, paragraph 4 (1) to (5).
298. **Section 135** makes further amendments to section 70 of the 1995 Act. These include a new subsection(13), providing for the making of regulations by the Scottish Ministers. These may include provision to prescribe how monitoring of movement restrictions will operate, including specification of the devices which may be used and who may carry out the monitoring. Subsection (15) provides how the Scottish Ministers may provide the monitoring service, which may be by contract or otherwise. The regulations introduced under section 135 are subject to negative resolution procedure.