



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 9

#### CHILDREN'S HEARING

##### *Key definitions*

#### **83      Meaning of “compulsory supervision order”**

- (1) In this Act, “compulsory supervision order”, in relation to a child, means an order—
- (a) including any of the measures mentioned in subsection (2),
  - (b) specifying a local authority which is to be responsible for giving effect to the measures included in the order (the “implementation authority”), and
  - (c) having effect for the relevant period.
- (2) The measures are—
- (a) a requirement that the child reside at a specified place,
  - (b) a direction authorising the person who is in charge of a place specified under paragraph (a) to restrict the child's liberty to the extent that the person considers appropriate having regard to the measures included in the order,
  - (c) a prohibition on the disclosure (whether directly or indirectly) of a place specified under paragraph (a),
  - (d) a movement restriction condition,
  - (e) a secure accommodation authorisation,
  - (f) subject to section 186, a requirement that the implementation authority arrange—
    - (i) a specified medical or other examination of the child, or
    - (ii) specified medical or other treatment for the child,
  - (g) a direction regulating contact between the child and a specified person or class of person,
  - (h) a requirement that the child comply with any other specified condition,
  - (i) a requirement that the implementation authority carry out specified duties in relation to the child.

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- (3) A children's hearing and the sheriff must, when making a compulsory supervision order in relation to a child, consider whether to include in the order a measure of the type mentioned in subsection (2)(g).
- (4) A compulsory supervision order may include a movement restriction condition only if—
- (a) one or more of the conditions mentioned in subsection (6) applies, and
  - (b) the children's hearing or, as the case may be, the sheriff is satisfied that it is necessary to include a movement restriction condition in the order.
- (5) A compulsory supervision order may include a secure accommodation authorisation only if—
- (a) the order contains a requirement of the type mentioned in subsection (2)(a) which requires the child to reside at—
    - (i) a residential establishment which contains both secure accommodation and accommodation which is not secure accommodation, or
    - (ii) two or more residential establishments, one of which contains accommodation which is not secure accommodation,
  - (b) one or more of the conditions mentioned in subsection (6) applies, and
  - (c) having considered the other options available (including a movement restriction condition) the children's hearing or, as the case may be, the sheriff is satisfied that it is necessary to include a secure accommodation authorisation in the order.
- (6) The conditions are—
- (a) that the child has previously absconded and is likely to abscond again and, if the child were to abscond, it is likely that the child's physical, mental or moral welfare would be at risk,
  - (b) that the child is likely to engage in self-harming conduct,
  - (c) that the child is likely to cause injury to another person.
- (7) In subsection (1), "relevant period" means the period beginning with the making of the order and ending with—
- (a) where the order has not been continued, whichever of the following first occurs—
    - (i) the day one year after the day on which the order is made,
    - (ii) the day on which the child attains the age of 18 years,
  - (b) where the order has been continued, whichever of the following first occurs—
    - (i) the end of the period for which the order was last continued,
    - (ii) the day on which the child attains the age of 18 years.
- (8) In subsection (2)—
- "medical" includes psychological,
- "specified" means specified in the order.

## **84      Meaning of "movement restriction condition"**

In this Act, "movement restriction condition", in relation to a child, means—

- (a) a restriction on the child's movements in a way specified in the movement restriction condition, and
- (b) a requirement that the child comply with arrangements specified in the movement restriction condition for monitoring compliance with the restriction.

#### **85 Meaning of “secure accommodation authorisation”**

In this Act, “secure accommodation authorisation”, in relation to a child, means an authorisation enabling the child to be placed and kept in secure accommodation within a residential establishment.

#### **86 Meaning of “interim compulsory supervision order”**

- (1) In this Act “interim compulsory supervision order”, in relation to a child, means an order—
  - (a) including any of the measures mentioned in section 83(2),
  - (b) specifying a local authority which is to be responsible for giving effect to the measures included in the order (“the implementation authority”), and
  - (c) having effect for the relevant period.
- (2) An interim compulsory supervision order may, instead of specifying a place or places at which the child is to reside under section 83(2)(a), specify that the child is to reside at any place of safety away from the place where the child predominantly resides.
- (3) In subsection (1), “relevant period” means the period beginning with the making of the order and ending with whichever of the following first occurs—
  - (a) the next children's hearing arranged in relation to the child,
  - (b) the disposal by the sheriff of an application made by virtue of section 93(2)(a) or 94(2)(a) in relation to the child,
  - (c) a day specified in the order,
  - (d) where the order has not been extended under section 98 or 99, the expiry of the period of 22 days beginning on the day on which the order is made,
  - (e) where the order has been extended (or extended and varied) under section 98 or 99, the expiry of the period of 22 days beginning on the day on which the order is extended.
- (4) Subsections (3) to (6) (except subsection (5)(a)) of section 83 apply to an interim compulsory supervision order as they apply to a compulsory supervision order.

#### **87 Meaning of “medical examination order”**

- (1) In this Act “medical examination order”, in relation to a child, means an order authorising for the relevant period any of the measures mentioned in subsection (2).
- (2) The measures are—
  - (a) a requirement that the child attend or reside at a specified clinic, hospital or other establishment,
  - (b) subject to section 186, a requirement that a specified local authority arrange a specified medical examination of the child,
  - (c) a prohibition on the disclosure (whether directly or indirectly) of a place specified under paragraph (a),

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- (d) a secure accommodation authorisation,
  - (e) a direction regulating contact between the child and a specified person or class of person,
  - (f) any other specified condition appearing to the children's hearing to be appropriate for the purposes of ensuring that the child complies with the order.
- (3) A medical examination order may include a secure accommodation authorisation only if—
- (a) the order authorises the keeping of the child in a residential establishment,
  - (b) one of the conditions mentioned in subsection (4) applies, and
  - (c) having considered the other options available the children's hearing is satisfied that it is necessary to do so.
- (4) The conditions are—
- (a) that the child has previously absconded and is likely to abscond again and, if the child were to abscond, it is likely that the child's physical, mental or moral welfare would be at risk,
  - (b) that the child is likely to engage in self-harming conduct,
  - (c) that the child is likely to cause injury to another person.
- (5) In this section—
- “medical” includes psychological,
- “relevant period”, in relation to a medical examination order, means the period beginning with the making of the order and ending with whichever of the following first occurs—
- (a) the beginning of the next children's hearing arranged in relation to the child,
  - (b) a day specified in the order,
  - (c) the expiry of the period of 22 days beginning on the day on which the order is made,
- “specified” means specified in the order.

## **88 Meaning of “warrant to secure attendance”**

- (1) In this Act, “warrant to secure attendance”, in relation to a child, means a warrant effective for the relevant period—
- (a) authorising an officer of law—
    - (i) to search for and apprehend the child,
    - (ii) to take the child to, and detain the child in, a place of safety,
    - (iii) to bring the child before the relevant proceedings, and
    - (iv) so far as is necessary for the execution of the warrant, to break open shut and lockfast places,
  - (b) prohibiting disclosure (whether directly or indirectly) to any person specified in the warrant of the place of safety.
- (2) A warrant to secure attendance may include a secure accommodation authorisation but only if—
- (a) the warrant authorises the keeping of the child in a residential establishment,
  - (b) one or more of the conditions mentioned in subsection (3) applies, and

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- (c) having considered the other options available the children's hearing or sheriff is satisfied that it is necessary to do so.
- (3) The conditions are—
- (a) that the child has previously absconded and is likely to abscond again and, if the child were to abscond, it is likely that the child's physical, mental or moral welfare would be at risk,
  - (b) that the child is likely to engage in self-harming conduct,
  - (c) that the child is likely to cause injury to another person.
- (4) In this section—
- “relevant period”, in relation to a warrant to secure attendance, means—
- (a) where the warrant is granted by a children's hearing, the period beginning with the granting of the warrant and ending with the earlier of—
    - (i) the beginning of the relevant proceedings, or
    - (ii) the expiry of the period of 7 days beginning with the day on which the child is first detained in pursuance of the warrant,
  - (b) where the warrant is granted by the sheriff under section 103(7), the period beginning with the granting of the warrant and ending with the earlier of—
    - (i) the beginning of the continued hearing, or
    - (ii) the expiry of the period of 14 days beginning with the day on which the child is first detained in pursuance of the warrant,
  - (c) where the warrant is granted by the sheriff under any other provision in respect of attendance at proceedings under Part 10, the period beginning with the granting of the warrant and ending with the earlier of—
    - (i) the beginning of the relevant proceedings, or
    - (ii) the expiry of the period of 14 days beginning with the day on which the child is first detained in pursuance of the warrant,
  - (d) where the warrant is granted by the sheriff in respect of attendance at a children's hearing arranged by virtue of section 108, 115, 117(2)(b) or 156(3)(a), the period beginning with the granting of the warrant and ending with the earlier of—
    - (i) the beginning of the relevant proceedings, or
    - (ii) the expiry of the period of 7 days beginning with the day on which the child is first detained in pursuance of the warrant,
- “relevant proceedings”, in relation to a warrant to secure attendance, means the children's hearing or, as the case may be, proceedings before the sheriff in respect of which it is granted.