



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 14

#### IMPLEMENTATION OF ORDERS

##### *Secure accommodation*

#### **151 Implementation of secure accommodation authorisation**

- (1) Subsections (3) and (4) apply where a relevant order or warrant made in relation to a child includes a secure accommodation authorisation.
- (2) A relevant order or warrant is—
  - (a) a compulsory supervision order,
  - (b) an interim compulsory supervision order,
  - (c) a medical examination order,
  - (d) a warrant to secure attendance.
- (3) The chief social work officer may implement the authorisation only with the consent of the person in charge of the residential establishment containing the secure accommodation in which the child is to be placed (the “head of unit”).
- (4) The chief social work officer must remove the child from secure accommodation if—
  - (a) the chief social work officer considers it unnecessary for the child to be kept there, or
  - (b) the chief social work officer is required to do so by virtue of regulations made under subsection (6).
- (5) A secure accommodation authorisation ceases to have effect once the child is removed from secure accommodation under subsection (4).
- (6) The Scottish Ministers may by regulations make provision in relation to decisions—
  - (a) by the chief social work officer—
    - (i) whether to implement a secure accommodation authorisation,
    - (ii) whether to remove a child from secure accommodation,
  - (b) by the head of unit whether to consent under subsection (3).

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*Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 151 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (7) Regulations under subsection (6) may in particular—
- (a) specify—
    - (i) the time within which a decision must be made,
    - (ii) the procedure to be followed,
    - (iii) the criteria to be applied,
    - (iv) matters to be taken into account or disregarded,
    - (v) persons who must be consulted,
    - (vi) persons who must consent before a decision has effect,
  - (b) make provision about—
    - (i) notification of decisions,
    - (ii) the giving of reasons for decisions,
    - (iii) reviews of decisions,
    - (iv) the review of the order or warrant containing the secure accommodation authorisation where the head of unit does not consent.
- (8) Regulations under subsection (6) are subject to the affirmative procedure.

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**Commencement Information**

**II** S. 151 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

**Changes to legislation:**

Children's Hearings (Scotland) Act 2011, Section 151 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)