



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 16

ENFORCEMENT OF ORDERS

169 Child absconding from place

- (1) This section applies where—
 - (a) a child requires to be kept in a particular place by virtue of—
 - (i) a child assessment order,
 - (ii) a child protection order,
 - (iii) an order under section 55,
 - (iv) section 56,
 - (v) section 65,
 - (vi) a compulsory supervision order,
 - (vii) an interim compulsory supervision order,
 - (viii) a medical examination order,
 - (ix) a warrant to secure attendance, or
 - (x) section 143, and
 - (b) the child absconds from that place or, at the end of a period of leave, fails to return to that place.
- (2) The child may be ^{F1}... taken to that place.
- (3) If a court is satisfied that there are reasonable grounds for believing that the child is within premises, the court may grant a warrant authorising an officer of law to—
 - (a) enter premises, and
 - (b) search for the child.
- (4) The court may authorise the officer of law to use reasonable force for those purposes.
- (5) Where the child is returned to the place mentioned in subsection (1), but the occupier of that place is unwilling or unable to receive the child—
 - (a) the officer of law returning the child must immediately notify the Principal Reporter of that fact, and

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 169 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

- (b) the child must be kept in a place of safety until the occurrence of the relevant event.
- (6) In subsection (5), the relevant event is—
- (a) in the case mentioned in sub-paragraph (i) of subsection (1)(a), the end of the period specified in the child assessment order,
 - (b) in the case mentioned in sub-paragraph (ii) of that subsection, whichever of the following first occurs—
 - (i) the children's hearing arranged under section 45 or 69,
 - (ii) the termination of the child protection order,
 - (c) in the case mentioned in sub-paragraph (iii) of that subsection, whichever of the following first occurs—
 - (i) the order ceasing to have effect under section 55(4) or (5),
 - (ii) the determination by the sheriff of an application for a child protection order in respect of the child,
 - (d) in the case mentioned in sub-paragraph (iv) of that subsection, whichever of the following first occurs—
 - (i) the giving of notice under subsection (5) of section 56, or
 - (ii) the end of the period mentioned in subsection (3) of that section,
 - (e) in the case mentioned in sub-paragraph (v) of that subsection, whichever of the following first occurs—
 - (i) the giving of a direction by the Principal Reporter under section 68(2) or 72(2)(a), or
 - (ii) the children's hearing arranged by virtue of section 69(2),
 - (f) in the case mentioned in sub-paragraph (vi) of that subsection, the children's hearing arranged by virtue of section 131(2)(b),
 - (g) in the cases mentioned in sub-paragraphs (vii) and (ix) of that subsection whichever of the following first occurs—
 - (i) the next children's hearing that has been arranged in relation to the child,
 - (ii) the next hearing before the sheriff relating to the child that is to take place by virtue of this Act,
 - (h) in the cases mentioned in sub-paragraphs (viii) and (x) of that subsection, the next children's hearing that has been arranged in relation to the child.

Textual Amendments

- F1** Words in s. 169(2) repealed (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), [sch. 2 para. 24](#); [S.S.I. 2017/345](#), art. 3, sch.

Modifications etc. (not altering text)

- C1** [S. 169](#) modified (24.6.2022) by [The Cross-border Placements \(Effect of Deprivation of Liberty Orders\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/225\)](#), regs. 1, **13(8)**
- C2** [S. 169\(1\)-\(4\)](#) applied by 1989 c. 41, s. 25(8A) (as inserted (27.4.2017) by [Children and Social Work Act 2017 \(c. 16\)](#), s. 70(1)(a), [Sch. 1 para. 2\(6\)](#))

Commencement Information

- I1** [S. 169](#) in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

Changes to legislation:

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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\(5\)\(b\)](#)