



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 20

#### GENERAL

##### *Interpretation*

### 202 Interpretation

- (1) In this Act, unless the context otherwise requires—
- “the 1995 Act” means the Children (Scotland) Act 1995 (c.36),
  - “affirmative procedure” is to be construed in accordance with section 197,
  - “CHS” means Children’s Hearings Scotland,
  - “chief social work officer” means the officer appointed under section 3 of the Social Work (Scotland) Act 1968 (c.49) by—
    - (a) in relation to a compulsory supervision order or an interim compulsory supervision order, the implementation authority,
    - (b) in relation to a medical examination order or a warrant to secure attendance, the relevant local authority for the child to whom the order or warrant relates,
  - “child assessment order” means an order mentioned in section 35,
  - “child protection order” means an order mentioned in section 37,
  - “compulsory supervision order” has the meaning given by section 83,
  - “contact order” has the meaning given by section 11(2)(d) of the 1995 Act,
  - “crime” has the meaning given in section 307(1) of the Criminal Procedure (Scotland) Act 1995 (c.46),
  - “functions” includes powers and duties; and “confer”, in relation to functions, includes impose,
  - “grounds determination” has the meaning given by section 110(1),
  - “grounds hearing” has the meaning given by section 90,
  - “implementation authority”—
    - (a) in relation to a compulsory supervision order, has the meaning given by section 83(1)(b),

- (b) in relation to an interim compulsory supervision order, has the meaning given by section 86(1)(b),
- “interim compulsory supervision order” has the meaning given by section 86,
- “interim variation”, in relation to a compulsory supervision order, has the meaning given by section 140,
- “medical examination order” has the meaning given by section 87,
- “movement restriction condition” has the meaning given by section 84,
- “negative procedure” is to be construed in accordance with section 196,
- “officer of law” has the meaning given by section 307(1) of the Criminal Procedure (Scotland) Act 1995 (c.46),
- “parental responsibilities” has the meaning given by section 1(3) of the 1995 Act,
- “parental rights” has the meaning given by section 2(4) of the 1995 Act,
- “permanence order” has the meaning given by section 80(2) of the Adoption and Children (Scotland) Act 2007 (asp 4),
- “place of safety”, in relation to a child, means—
- (a) a residential or other establishment provided by a local authority,
  - (b) a community home within the meaning of section 53 of the Children Act 1989 (c.41),
  - (c) a police station,
  - (d) a hospital or surgery, the person or body of persons responsible for the management of which is willing temporarily to receive the child,
  - (e) the dwelling-house of a suitable person who is so willing, or
  - (f) any other suitable place the occupier of which is so willing,
- “pre-hearing panel” has the meaning given by section 79(2)(a),
- “prosecutor” has the meaning given by section 307(1) of the Criminal Procedure (Scotland) Act 1995 (c.46),
- “residential establishment” means—
- (a) an establishment in Scotland (whether managed by a local authority, a voluntary organisation or any other person) which provides residential accommodation for children for the purposes of this Act, the 1995 Act or the Social Work (Scotland) Act 1968 (c.49),
  - (b) a home in England or Wales that is—
    - (i) a community home within the meaning of section 53 of the Children Act 1989 (c.41),
    - (ii) a voluntary home within the meaning of that Act, or
    - (iii) a private children’s home within the meaning of that Act, or
  - (c) a home in Northern Ireland that is—
    - (i) provided under Part VIII of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)),
    - (ii) a voluntary home within the meaning of that Order, or
    - (iii) a registered children’s home within the meaning of that Order,
- “safeguarder” has the meaning given by section 30(1),
- “school age” has the meaning given by section 31 of the Education (Scotland) Act 1980 (c.44),
- “secure accommodation” means accommodation provided in a residential establishment, approved in accordance with regulations made under section 29 of the Regulation of Care (Scotland) Act 2001 (asp 8) or section 22(8)(a) of

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*Status: This is the original version (as it was originally enacted).*

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the Care Standards Act 2000 (c.14), for the purpose of restricting the liberty of children,

“secure accommodation authorisation” has the meaning given by section 85,

“statement of grounds” has the meaning given by section 89(3),

“subordinate legislation” means—

- (a) an order,
- (b) regulations, or
- (c) rules,

“super-affirmative procedure” is to be construed in accordance with section 198,

“warrant to secure attendance” has the meaning given by section 88, and

“working day” means every day except—

- (a) Saturday and Sunday,
- (b) 25 and 26 December,
- (c) 1 and 2 January.

- (2) References in this Act to a decision of a children’s hearing are references to a decision of a majority of the members of a children’s hearing.
- (3) References in this Act to varying a compulsory supervision order, an interim compulsory supervision order or a medical examination order include varying the order by adding or removing measures.