



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 5

#### CHILD ASSESSMENT AND CHILD PROTECTION ORDERS

##### *Other emergency measures*

#### **55 Application to justice of the peace**

- (1) A person may apply to a justice of the peace for an order in respect of a child—
  - (a) requiring any person in a position to do so to produce the child to a specified person,
  - (b) authorising the removal of the child by the specified person to a place of safety and the keeping of the child in that place,
  - (c) authorising the prevention of the removal of the child from any place where the child is staying.
- (2) A justice of the peace may make an order under this section if—
  - (a) the justice of the peace is satisfied of—
    - (i) in a case where the applicant for the order is a local authority, the matters mentioned in section 38(2)(a) to (d), or
    - (ii) in a case where the applicant for the order is a local authority or any other person, the matters mentioned in section 39(2)(a) and (b), and
  - (b) the justice of the peace is satisfied that it is not practicable in the circumstances for an application for a child protection order to be made to or considered by the sheriff.
- (3) As soon as practicable after the making of the order, the applicant must inform—
  - (a) the Principal Reporter,
  - (b) the person specified in the order under subsection (1)(a) (unless the person is the applicant).
- (4) The order ceases to have effect at the end of the period of 12 hours beginning with the making of the order if—
  - (a) where the order authorises the removal of the child to a place of safety, the child has not been taken, or is not being taken, to that place within that period,

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*Status: This is the original version (as it was originally enacted).*

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- (b) where the order authorises the prevention of the removal of the child from a place where the child is staying, arrangements have not been made within that period to prevent that removal.
- (5) Otherwise, the order ceases to have effect on the earlier of—
  - (a) the end of the period of 24 hours beginning with the making of the order, or
  - (b) the determination by the sheriff of an application to the sheriff for a child protection order in respect of the child.
- (6) The Principal Reporter may, by giving notice to the applicant, terminate the order if—
  - (a) the Principal Reporter is satisfied that the conditions for the making of an order under this section are no longer satisfied, or
  - (b) the Principal Reporter is satisfied that it is no longer in the best interests of the child for the order to continue to have effect.
- (7) In subsection (1), “specified” means specified in the order.