



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 5

CHILD ASSESSMENT AND CHILD PROTECTION ORDERS

Other emergency measures

56 Constable's power to remove child to place of safety

- (1) A constable may remove a child to a place of safety and keep the child there if—
 - (a) the constable is satisfied—
 - (i) of the matters mentioned in section 39(2)(a), and
 - (ii) that the removal of the child is necessary to protect the child from the harm mentioned there or from further harm, and
 - (b) it is not practicable in the circumstances for an application for a child protection order to be made to or considered by the sheriff.
- (2) As soon as practicable after a constable removes a child under this section, the constable must inform the Principal Reporter.
- (3) The child may not be kept in a place of safety under this section for a period of more than 24 hours.
- (4) The child may not be kept in a place of safety under this section if—
 - (a) a child protection order is in force in respect of the child, or
 - (b) an application has been made to the sheriff for a child protection order or to a justice of the peace for an order under section 55 on the basis of the facts before the constable and that application has been refused.
- (5) The Principal Reporter may, by giving notice to the constable, require the constable to release the child if—
 - (a) the Principal Reporter is satisfied that the conditions for placing the child in a place of safety 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 to be kept in a place of safety.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 56 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](#)

Commencement Information

II S. 56 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

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