



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 9

#### CHILDREN'S HEARING

##### *Key definitions*

#### **88 Meaning of “warrant to secure attendance”**

- (1) In this Act, “warrant to secure attendance”, in relation to a child, means a warrant effective for the relevant period—
- (a) authorising an officer of law—
    - (i) to search for and apprehend the child,
    - (ii) to take the child to, and detain the child in, a place of safety,
    - (iii) to bring the child before the relevant proceedings, and
    - (iv) so far as is necessary for the execution of the warrant, to break open shut and lockfast places,
  - (b) prohibiting disclosure (whether directly or indirectly) to any person specified in the warrant of the place of safety.
- (2) A warrant to secure attendance may include a secure accommodation authorisation but only if—
- (a) the warrant authorises the keeping of the child in a residential establishment,
  - (b) one or more of the conditions mentioned in subsection (3) applies, and
  - (c) having considered the other options available the children's hearing or sheriff is satisfied that it is necessary to do so.
- (3) The conditions are—
- (a) that the child has previously absconded and is likely to abscond again and, if the child were to abscond, it is likely that the child's physical, mental or moral welfare would be at risk,
  - (b) that the child is likely to engage in self-harming conduct,
  - (c) that the child is likely to cause injury to another person.
- (4) In this section—

**Changes to legislation:** Children's Hearings (Scotland) Act 2011, Section 88 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](#)

- “relevant period”, in relation to a warrant to secure attendance, means—
- (a) where the warrant is granted by a children's hearing, the period beginning with the granting of the warrant and ending with the earlier of—
    - (i) the beginning of the relevant proceedings, or
    - (ii) the expiry of the period of 7 days beginning with the day on which the child is first detained in pursuance of the warrant,
  - (b) where the warrant is granted by the sheriff under section 103(7), the period beginning with the granting of the warrant and ending with the earlier of—
    - (i) the beginning of the continued hearing, or
    - (ii) the expiry of the period of 14 days beginning with the day on which the child is first detained in pursuance of the warrant,
  - (c) where the warrant is granted by the sheriff under any other provision in respect of attendance at proceedings under Part 10, the period beginning with the granting of the warrant and ending with the earlier of—
    - (i) the beginning of the relevant proceedings, or
    - (ii) the expiry of the period of 14 days beginning with the day on which the child is first detained in pursuance of the warrant,
  - (d) where the warrant is granted by the sheriff in respect of attendance at a children's hearing arranged by virtue of section 108, 115, 117(2)(b) or 156(3)(a), the period beginning with the granting of the warrant and ending with the earlier of—
    - (i) the beginning of the relevant proceedings, or
    - (ii) the expiry of the period of 7 days beginning with the day on which the child is first detained in pursuance of the warrant,
- “relevant proceedings”, in relation to a warrant to secure attendance, means the children's hearing or, as the case may be, proceedings before the sheriff in respect of which it is granted.

#### Commencement Information

**II** S. 88 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\(5\)\(b\)](#)