



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 14

#### IMPLEMENTATION OF ORDERS

##### *Secure accommodation*

#### **151 Implementation of secure accommodation authorisation**

- (1) Subsections (3) and (4) apply where a relevant order or warrant made in relation to a child includes a secure accommodation authorisation.
- (2) A relevant order or warrant is—
  - (a) a compulsory supervision order,
  - (b) an interim compulsory supervision order,
  - (c) a medical examination order,
  - (d) a warrant to secure attendance.
- (3) The chief social work officer may implement the authorisation only with the consent of the person in charge of the residential establishment containing the secure accommodation in which the child is to be placed (the “head of unit”).
- (4) The chief social work officer must remove the child from secure accommodation if—
  - (a) the chief social work officer considers it unnecessary for the child to be kept there, or
  - (b) the chief social work officer is required to do so by virtue of regulations made under subsection (6).
- (5) A secure accommodation authorisation ceases to have effect once the child is removed from secure accommodation under subsection (4).
- (6) The Scottish Ministers may by regulations make provision in relation to decisions—
  - (a) by the chief social work officer—
    - (i) whether to implement a secure accommodation authorisation,
    - (ii) whether to remove a child from secure accommodation,
  - (b) by the head of unit whether to consent under subsection (3).

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**Changes to legislation:** Children's Hearings (Scotland) Act 2011, Cross Heading: Secure accommodation is up to date with all changes known to be in force on or before 23 July 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

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- (7) Regulations under subsection (6) may in particular—
- (a) specify—
    - (i) the time within which a decision must be made,
    - (ii) the procedure to be followed,
    - (iii) the criteria to be applied,
    - (iv) matters to be taken into account or disregarded,
    - (v) persons who must be consulted,
    - (vi) persons who must consent before a decision has effect,
  - (b) make provision about—
    - (i) notification of decisions,
    - (ii) the giving of reasons for decisions,
    - (iii) reviews of decisions,
    - (iv) the review of the order or warrant containing the secure accommodation authorisation where the head of unit does not consent.
- (8) Regulations under subsection (6) are subject to the affirmative procedure.

**Commencement Information**

**II** S. 151 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

**152 Secure accommodation: placement in other circumstances**

- (1) The Scottish Ministers may by regulations make provision specifying circumstances in which a child falling within subsection (3) may be placed in secure accommodation.
- (2) Regulations under subsection (1) may in particular include provision for and in connection with—
- (a) the procedure to be followed in deciding whether to place a child in secure accommodation,
  - (b) the notification of decisions,
  - (c) the giving of reasons for decisions,
  - (d) the review of decisions,
  - (e) the review of placements by a children's hearing.
- (3) A child falls within this subsection if—
- (a) a relevant order or warrant is in force in relation to the child, and
  - (b) the relevant order or warrant does not include a secure accommodation authorisation.
- (4) A relevant order or warrant is—
- (a) a compulsory supervision order,
  - (b) an interim compulsory supervision order,
  - (c) a medical examination order,
  - (d) a warrant to secure attendance.
- (5) Regulations under subsection (1) are subject to the affirmative procedure.

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**Commencement Information**

**I2** S. 152 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

**153 Secure accommodation: regulations**

- (1) The Scottish Ministers may by regulations make provision about children placed in secure accommodation by virtue of this Act.
- (2) Regulations under subsection (1) may in particular include provision—
  - (a) imposing requirements on the Principal Reporter,
  - (b) imposing requirements on the implementation authority in relation to a compulsory supervision order or an interim compulsory supervision order,
  - (c) imposing requirements on the relevant local authority for a child in relation to a medical examination order or a warrant to secure attendance,
  - (d) in connection with the protection of the welfare of the children.
- (3) Regulations under subsection (1) are subject to the affirmative procedure.

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**Commencement Information**

**I3** S. 153 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\(5\)\(b\)](#)