



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 5

#### CHILD ASSESSMENT AND CHILD PROTECTION ORDERS

##### *Child protection orders*

#### **37 Child protection orders**

- (1) A person may apply to the sheriff for a child protection order in respect of a child.
- (2) A child protection order is an order doing one or more of the following—
  - (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 (whether or not the child is resident there),
  - (d) authorising the carrying out (subject to section 186) of an assessment of—
    - (i) the child's health or development, or
    - (ii) the way in which the child has been or is being treated or neglected.
- (3) A child protection order may also include any other authorisation or requirement necessary to safeguard or promote the welfare of the child.
- (4) A child protection order may include an authorisation of the type mentioned in paragraph (d) of subsection (2) only if it also includes an authorisation of a type mentioned in paragraph (b) or (c) of that subsection.
- (5) An application for a child protection order must—
  - (a) identify the applicant,
  - (b) in so far as is practicable, identify the child in respect of whom the order is sought,
  - (c) state the grounds on which the application is made, and
  - (d) be accompanied by supporting evidence, whether documentary or otherwise, sufficient to enable the sheriff to determine the application.

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*Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 37 is up to date with all changes known to be in force on or before 18 March 2024. 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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(6) In subsection (2), “specified” means specified in the order.

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**Commencement Information**

**II** S. 37 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

**Changes to legislation:**

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[View outstanding changes](#)

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