



# Children (Scotland) Act 1995

## 1995 CHAPTER 36

### PART II

PROMOTION OF CHILDREN'S WELFARE BY LOCAL  
AUTHORITIES AND BY CHILDREN'S HEARINGS ETC.

### CHAPTER 3

PROTECTION AND SUPERVISION OF CHILDREN

*Referral to, and disposal of case by, children's hearing*

#### **69 Continuation or disposal of referral by children's hearing**

- (1) Where the grounds of referral of the child's case stated by the Principal Reporter are accepted or are established in accordance with section 67 or section 84 of this Act, the children's hearing shall consider those grounds, any report obtained under section 56(7) of this Act and any other relevant information available to them and shall—
  - (a) continue the case to a subsequent hearing in accordance with subsection (2) below;
  - (b) discharge the referral of the case in accordance with subsection (12) below; or
  - (c) make a supervision requirement under section 70 of this Act.
- (2) The children's hearing may continue the case to a subsequent hearing under this subsection where they are satisfied that, in order to complete their consideration of the case, it is necessary to have a further investigation of the case.
- (3) Where a children's hearing continue the case under subsection (2) above, they may, for the purposes of the investigation mentioned by that subsection, require the child to attend, or reside at, any clinic, hospital or other establishment during a period not exceeding twenty-two days.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where a child fails to fulfil a requirement made under subsection (3) above, the children’s hearing may, either on an application by the Principal Reporter or of their own motion, grant a warrant under this subsection.
- (5) A warrant under subsection (4) above shall be authority—
- (a) to find the child;
  - (b) to remove the child to a place of safety and keep him there; and
  - (c) where the place of safety is not the clinic, hospital or other establishment referred to in the requirement made under subsection (3) above, to take the child from the place of safety to such clinic, hospital or other establishment for the purposes of the investigation mentioned in subsection (2) above.
- (6) A warrant under subsection (4) above shall be granted for such period as appears to the children’s hearing to be appropriate, provided that no warrant shall permit the keeping of a child in a place of safety after whichever is the earlier of—
- (a) the expiry of twenty-two days after the warrant is granted; or
  - (b) the day on which the subsequent hearing of the child’s case by a children’s hearing begins.
- (7) Where a child’s case has been continued under subsection (2) above and the children’s hearing are satisfied that—
- (a) keeping the child in a place of safety is necessary in the interests of safeguarding or promoting the welfare of the child; or
  - (b) there is reason to believe that the child may not attend the subsequent hearing of his case,
- they may grant a warrant requiring that the child be taken to and kept in a place of safety.
- (8) A warrant under subsection (7) above shall cease to have effect on whichever is the earlier of—
- (a) the expiry of twenty-two days after the warrant is granted; or
  - (b) the day on which the subsequent hearing of the child’s case by a children’s hearing begins.
- (9) A warrant under subsection (4) or (7) above may contain such conditions as appear to the children’s hearing to be necessary or expedient, and without prejudice to that generality may—
- (a) subject to section 90 of this Act, require the child to submit to any medical or other examination or treatment;
  - (b) regulate the contact with the child of any specified person or class of persons.
- (10) Where a child is to be kept at a place of safety under a warrant granted under this section or is to attend, or reside at, any place in accordance with a requirement made under subsection (3) above, the children’s hearing may order that such place shall not be disclosed to any person or class of persons specified in the order.
- (11) Where a child is to reside in a residential establishment by virtue of a requirement made or warrant granted under this section, the children’s hearing may, if satisfied that either of the criteria mentioned in section 70(10) of this Act is fulfilled, order that while the requirement or warrant remains in effect he shall be liable to be placed in secure accommodation within that establishment at such times as the person in charge

of the establishment, with the agreement of the chief social work officer of the relevant local authority, considers necessary.

- (12) Where a children’s hearing decide not to make a supervision requirement under section 70 of this Act they shall discharge the referral.
- (13) On the discharge of the referral of the child’s case any order, direction, or warrant under Chapter 2, or this Chapter, of this Act in respect of the child’s case shall cease to have effect.