
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

**The Secure Accommodation (Scotland)
Amendment Regulations 2016**

Appeal against decision to detain a child in secure accommodation

3. After regulation 11 of the Secure Accommodation (Scotland) Regulations 2013⁽¹⁾ insert—

“Appeal against decision to detain a child in secure accommodation

11A.—(1) This regulation applies where an appeal under section 44A (appeal against detention in secure accommodation) of the Criminal Procedure Act is made.

(2) The appeal must be—

- (a) made before the expiry of 21 days beginning with the day on which the determination is made under regulation 11(2); and
- (b) heard and disposed of before the expiry of the period of 3 days beginning on the day after the day on which the appeal is made.

(3) The sheriff may hear evidence before determining the appeal.

(4) The sheriff may hear evidence from—

- (a) the child;
- (b) each relevant person in respect of the child;
- (c) the chief social work officer;
- (d) any other person who the sheriff considers may give additional material evidence.

(5) Before determining the appeal the sheriff must, so far as practicable and taking account of the age and maturity of the child—

- (a) give the child an opportunity to indicate whether they wish to express any views;
- (b) if the child wishes to do so, give them an opportunity to express their views; and
- (c) have regard to any views expressed.

(6) Without prejudice to the generality of paragraph (5), a child who is aged 12 or over is presumed to be of sufficient age and maturity to form a view for the purposes of that paragraph.

(7) The sheriff may require any person to give a report to the sheriff for the purpose of assisting the sheriff in determining the appeal.”