
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 205

The Secure Accommodation (Scotland) Regulations 2013

Child detained under section 44 of the Criminal Procedure Act: use of secure accommodation

11.—(1) This regulation applies where the sheriff makes an order under section 44(1) of the Criminal Procedure Act (detention of children) requiring a child to be detained in a residential establishment provided by a local authority.

(2) The child may be detained in secure accommodation where the chief social work officer of the local authority makes a determination to place the child in secure accommodation where the requirements in paragraph (3) are satisfied.

(3) The requirements are—

(a) to consult and take into account the views of—

- (i) the child, taking into account their age and maturity;
- (ii) each relevant person in respect of the child;
- (iii) the head of unit;

(b) that the chief social work officer is satisfied that—

- (i) placement in secure accommodation would be in the child's best interests;
- (ii) in relation to the placing of the child in the residential establishment providing the secure accommodation the placement in that establishment is appropriate to the child's needs having regard to the residential establishment's statement of functions and objectives; and
- (iii) one or more of the conditions mentioned in paragraph (4) is satisfied in respect of the child.

(4) 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; or
- (c) that the child is likely to cause injury to another person.

(5) Where the child is detained in secure accommodation under paragraph (2) the child may only be kept in secure accommodation for so long as the head of unit with the agreement of the chief social work officer considers necessary.

(6) Paragraph (5) is subject to regulation 13.

Changes to legislation:

There are currently no known outstanding effects for the The Secure Accommodation (Scotland) Regulations 2013, Section 11.