



# 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

*Children arrested by the police*

#### **63 Review of case of child arrested by police**

- (1) Where the Principal Reporter has been informed by a constable, in accordance with section 296(3) of the Criminal Procedure (Scotland) Act 1975, that charges are not to be proceeded with against a child who has been detained in a place of safety in accordance with that section, the Principal Reporter shall, unless he considers that compulsory measures of supervision are not required in relation to the child, arrange a children's hearing to which he shall refer the case.
- (2) A children's hearing arranged under subsection (1) above shall begin not later than the third day after the Principal Reporter received the information mentioned in that subsection.
- (3) Where the Principal Reporter considers that a child of whose detention he has been informed does not require compulsory measures of supervision, he shall direct that the child shall no longer be kept in the place of safety.
- (4) Subject to subsection (3) above, a child who has been detained in a place of safety may continue to be kept at that place until the commencement of a children's hearing arranged under subsection (1) above.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Subject to subsection (6) below, a children’s hearing arranged under subsection (1) above may—
- (a) if they are satisfied that the conditions mentioned in subsection (2) of section 66 of this Act are satisfied, grant a warrant to keep the child in a place of safety; and
  - (b) direct the Principal Reporter to arrange a children’s hearing for the purposes of section 65(1) of this Act,
- and subsections (3) to (8) of the said section 66 shall apply to a warrant granted under this subsection as they apply to a warrant granted under subsection (1) of the said section 66.
- (6) A child shall not be kept in a place of safety in accordance with a warrant granted under subsection (5) above where the Principal Reporter, having regard to the welfare of the child, considers that, whether as a result of a change in the circumstances of the case or of further information relating to the case having been received by the Principal Reporter—
- (a) the conditions mentioned in section 66(2) of this Act are no longer satisfied in relation to the child; or
  - (b) the child is not in need of compulsory measures of supervision,
- and where he does so consider he shall give notice to that effect to the person who is keeping the child in that place in accordance with the warrant.