



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 requiring compulsory measures of supervision

^{F1} 52 Children requiring compulsory measures of supervision.

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with s. 186) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii))

Modifications etc. (not altering text)

- C1** Ss. 39-74: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), arts. 1(2), 4(2)
- C2** Ss. 39-74: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), 13-18, 25, 28-30 (with art. 4(2)); [S.S.I. 2013/195](#)

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Preliminary and investigatory measures

^{F1}53 Provision of information to the Principal Reporter.

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), [s. 206\(2\)](#), [sch. 6](#) (with [s. 186](#)) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii))

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^{F1}54 Reference to the Principal Reporter by court.

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), [s. 206\(2\)](#), [sch. 6](#) (with [s. 186](#)) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii))

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^{F1}55 Child assessment orders.

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Textual Amendments

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^{F1}56 Initial investigation by the Principal Reporter.

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with s. 186) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in S.S.I. 2013/150, arts. 13-18, 25, 28-30); S.S.I. 2013/195, arts. 2, 3(e)(ii)

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Measures for the emergency protection of children

^{F1}57 Child protection orders.

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with s. 186) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in S.S.I. 2013/150, arts. 13-18, 25, 28-30); S.S.I. 2013/195, arts. 2, 3(e)(ii)

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- C2** Ss. 39-74: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children’s Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), **13-18**, 25, 28-30 (with art. 4(2)); S.S.I. 2013/195

^{F1}58 Directions in relation to contact and exercise of parental responsibilities and parental rights.

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), **sch. 6** (with s. 186) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii)

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^{F1}59 Initial hearing of case of child subject to child protection order.

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), **sch. 6** (with s. 186) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii)

Modifications etc. (not altering text)

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^{F1}60 Duration, recall or variation of child protection order.

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F161 Emergency protection of children where child protection order not available.

Textual Amendments

F1 Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), [s. 206\(2\)](#), [sch. 6](#) (with [s. 186](#)) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), [arts. 2](#), [3\(e\)\(ii\)](#))

Modifications etc. (not altering text)

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F162 Regulations in respect of emergency child protection measures.

Textual Amendments

F1 Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), [s. 206\(2\)](#), [sch. 6](#) (with [s. 186](#)) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), [arts. 2](#), [3\(e\)\(ii\)](#))

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Children arrested by the police

^{F1}63 Review of case of child arrested by police.

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), **sch. 6** (with s. 186) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii))

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Business meeting preparatory to children’s hearing

^{F1}64 Business meeting preparatory to children’s hearing.

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Textual Amendments

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

^{F1}65 Referral to, and proceedings at, children's hearing.

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^{F1}66 Warrant to keep child where children's hearing unable to dispose of case.

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with s. 186) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii))

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^{F1}67 Warrant for further detention of child.

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^{F1} **68 Application to sheriff to establish grounds of referral.**

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), [s. 206\(2\)](#), [sch. 6](#) (with [s. 186](#)) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii)

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^{F1}^{F2} **68A Restrictions on evidence in certain cases involving sexual abuse**

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Textual Amendments

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- F2** Ss. 68A, 68B inserted (S.) (1.4.2005) by [Vulnerable Witnesses \(Scotland\) Act 2004 \(asp 3\)](#), [ss. 23](#), 25; [S.S.I. 2005/168](#), [art. 2](#), Sch. (with art. 4)

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Modifications etc. (not altering text)

- C1** Ss. 39-74: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), arts. 1(2), 4(2)
- C2** Ss. 39-74: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), 13-18, 25, 28-30 (with art. 4(2)); S.S.I. 2013/195

^{F1}68B Exceptions to restrictions under section 68A

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with s. 186) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii)
- F2** Ss. 68A, 68B inserted (S.) (1.4.2005) by [Vulnerable Witnesses \(Scotland\) Act 2004 \(asp 3\)](#), [ss. 23, 25](#); [S.S.I. 2005/168](#), [art. 2](#), Sch. (with art. 4)

Modifications etc. (not altering text)

- C1** Ss. 39-74: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), arts. 1(2), 4(2)
- C2** Ss. 39-74: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), 13-18, 25, 28-30 (with art. 4(2)); S.S.I. 2013/195

^{F1}69 Continuation or disposal of referral by children's hearing.

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with s. 186) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii)

Modifications etc. (not altering text)

- C1** Ss. 39-74: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), arts. 1(2), 4(2)
- C2** Ss. 39-74: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), 13-18, 25, 28-30 (with art. 4(2)); S.S.I. 2013/195

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^{F1F3}70 Disposal of referral by children's hearing: supervision requirements, including residence in secure accommodation.

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Extent Information

- E1** S. 70(4) extends to England, Wales and Scotland; s. 70 otherwise extends to Scotland only, see s. 105(1) and (8)

Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with s. 186) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii))
- F3** S. 70(4) repealed (E.W.) (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), arts. 1(2), **20** (with art. 4(1))

Modifications etc. (not altering text)

- C1** Ss. 39-74: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), arts. 1(2), **4(2)**
- C2** Ss. 39-74: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), **13-18**, 25, 28-30 (with art. 4(2)); [S.S.I. 2013/195](#)

^{F1}71 Duties of local authority with respect to supervision requirements.

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with s. 186) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii))

Modifications etc. (not altering text)

- C1** Ss. 39-74: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), arts. 1(2), **4(2)**
- C2** Ss. 39-74: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), **13-18**, 25, 28-30 (with art. 4(2)); [S.S.I. 2013/195](#)

^{F1}^{F4}71A Enforcement of local authorities' duties under section 71

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), [s. 206\(2\)](#), [sch. 6](#) (with [s. 186](#)) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii))
- F4** S. 71A inserted (31.1.2005) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), [ss. 136\(3\)](#), [145\(2\)](#); [S.S.I. 2004/420](#), [art. 3](#), Sch. 4

Modifications etc. (not altering text)

- C1** Ss. 39-74: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), arts. 1(2), [4\(2\)](#)
- C2** Ss. 39-74: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), [13-18](#), 25, 28-30 (with [art. 4\(2\)](#)); [S.S.I. 2013/195](#)

^{F1}72 Transfer of child subject to supervision requirement in case of necessity.

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), [s. 206\(2\)](#), [sch. 6](#) (with [s. 186](#)) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii))

Modifications etc. (not altering text)

- C1** Ss. 39-74: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), arts. 1(2), [4\(2\)](#)
- C2** Ss. 39-74: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), [13-18](#), 25, 28-30 (with [art. 4\(2\)](#)); [S.S.I. 2013/195](#)

^{F1}73 Duration and review of supervision requirement.

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Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), [s. 206\(2\)](#), [sch. 6](#) (with [s. 186](#)) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in [S.S.I. 2013/150](#), arts. 13-18, 25, 28-30); [S.S.I. 2013/195](#), arts. 2, 3(e)(ii))

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Modifications etc. (not altering text)

- C1** Ss. 39-74: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), arts. 1(2), 4(2)
- C2** Ss. 39-74: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), **13-18**, 25, 28-30 (with art. 4(2)); S.S.I. 2013/195

^{F1F5}74 Further provision as respects children subject to supervision requirements.

Textual Amendments

- F1** Ss. 39-43, 45-74 repealed (S.) (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), **sch. 6** (with s. 186) (as amended to exclude s. 44 from the range of repealed provisions (30.9.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), Sch. 5 para. 12(10) (a); S.S.I. 2015/317, art. 2, Sch.) (with savings and transitional provisions in S.S.I. 2013/150, arts. 13-18, 25, 28-30); S.S.I. 2013/195, arts. 2, 3(e)(ii)
- F5** S. 74 repealed (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), art. 1(2), **Sch. 2 Pt. 2**

Modifications etc. (not altering text)

- C1** Ss. 39-74: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), arts. 1(2), 4(2)
- C2** Ss. 39-74: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), **13-18**, 25, 28-30 (with art. 4(2)); S.S.I. 2013/195

Commencement Information

- I1** S. 74 wholly in force at 1.4.1997; s. 74 not in force at Royal Assent see s. 105(1); s. 74 in force for certain purposes at 12.12.1996 by [S.I. 1996/3201](#), **art. 3(1)** (with arts. 4-6 (as inserted (7.3.1997) by [S.I. 1997/744](#), **art. 3**)); s. 74 in force at 1.4.1997 insofar as not already in force by [S.I. 1996/3201](#), **art. 3(7)** (with arts. 4-6) (as amended (7.3.1997) by [S.I. 1997/744](#), **arts. 2, 3**)

75 Powers of Secretary of State with respect to secure accommodation.

- (1) The Secretary of State may by regulations make provision with respect to the placing in secure accommodation of any child—

- ^{F6}(a)
- (b) who is not subject to a [^{F7}compulsory supervision order, interim compulsory supervision order, medical examination order or warrant to secure attendance (all within the meaning of the Children's Hearings (Scotland) Act 2011)] but who is being looked after by a local authority in pursuance of such enactments as may be specified in the regulations.

- (2) Regulations under subsection (1) above may—

- (a) specify the circumstances in which a child may be so placed under the regulations;

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- (b) make provision to enable a child who has been so placed or any relevant person to require that the child's case be brought before a children's hearing within a shorter period than would apply under regulations made under subsection (3) below; and
- (c) specify different circumstances for different cases or classes of case.

[^{F8}(2A) In subsection (2), "relevant person" has the meaning given by section 200 of the Children's Hearings (Scotland) Act 2011 and includes a person deemed to be a relevant person by virtue of section 81(3), 160(4)(b) or 164(6) of that Act.]

(3) Subject to subsection (4) below and without prejudice to subsection (2)(b) above, the Secretary of State may prescribe—

- (a) the maximum period during which a child may be kept under this Act in secure accommodation without the authority of a children's hearing or of the sheriff;
- (b) the period within which a children's hearing shall be arranged to consider the case of a child placed in secure accommodation by virtue of regulations made under this section (and different periods may be so prescribed in respect of different cases or classes of case).

[^{F9}(4) A child may not be kept in secure accommodation by virtue of regulations made under this section for a period exceeding 66 days from the day when the child was first taken to the secure accommodation.]

[^{F10}(5)]

(6) The Secretary of State may by regulations make provision for the procedures to be applied in placing children in secure accommodation; and without prejudice to the generality of this subsection, such regulations may—

- (a) specify the duties of the Principal Reporter in relation to the placing of children in secure accommodation;
- (b) make provision for the referral of cases to a children's hearing for review; and
- (c) make provision for any person with parental responsibilities in relation to the child to be informed of the placing of the child in secure accommodation.

Textual Amendments

- F6** S. 75(1)(a) and word repealed (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with s. 186); S.S.I. 2013/195, arts. 2, 3
- F7** Words in s. 75(1)(b) substituted (12.6.2013 for specified purposes, 24.6.2013 in so far as not already in force) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 5 para. 2\(8\)\(a\)](#) (with s. 186); S.S.I. 2013/190, art. 2; S.S.I. 2013/195, arts. 2, 3
- F8** S. 75(2A) inserted (12.6.2013 for specified purposes, 24.6.2013 in so far as not already in force) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 5 para. 2\(8\)\(b\)](#) (with s. 186); S.S.I. 2013/190, art. 2; S.S.I. 2013/195, arts. 2, 3
- F9** S. 75(4) substituted (12.6.2013 for specified purposes, 24.6.2013 in so far as not already in force) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 5 para. 2\(8\)\(c\)](#) (with s. 186); S.S.I. 2013/190, art. 2; S.S.I. 2013/195, arts. 2, 3
- F10** S. 75(5) repealed (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with s. 186); S.S.I. 2013/195, arts. 2, 3

Commencement Information

- I2** S. 75 wholly in force at 1.4.1997; s. 75 not in force at Royal Assent see s. 105(1); s. 75 in force for certain purposes at 12.12.1996 by [S.I. 1996/3201](#), [art. 3\(1\)](#) (with [arts. 4-6](#) (as inserted (7.3.1997) by

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S.I. 1997/744, [art. 3](#)); s. 75 in force at 1.4.1997 insofar as not already in force by S.I. 1996/3201, [art. 3\(7\)](#) (with [arts. 4-6](#)) (as amended (7.3.1997) by S.I. 1997/744, [arts. 2, 3](#))

[^{F11}Parenting orders

Textual Amendments

F11 S. 75A and cross-heading inserted (4.4.2005) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), [ss. 116, 145\(2\)](#); S.S.I. 2004/420, [art. 3](#), Sch. 5

^{F12}75A Requirement on Principal Reporter to consider application for parenting order

.....]

Textual Amendments

F12 Ss. 75A, 75B repealed (24.6.2013) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with s. 186); S.S.I. 2013/195, [arts. 2, 3](#)

[^{F13}Failure to provide education for excluded pupils

Textual Amendments

F13 S. 75B and cross-heading inserted (31.1.2005) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), [ss. 137\(3\), 145\(2\)](#); S.S.I. 2004/420, [art. 3](#), Sch. 4

^{F12}75B Failure to provide education for excluded pupils: reference to Scottish Ministers

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Textual Amendments

F12 Ss. 75A, 75B repealed (24.6.2013) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with s. 186); S.S.I. 2013/195, [arts. 2, 3](#)

Exclusion orders

76 Exclusion orders.

(1) Subject to subsections (3) to (9) below, where on the application of a local authority the sheriff is satisfied, in relation to a child, that the conditions mentioned in subsection (2) below are met, he may grant an order under this section (to be known as “an exclusion order”) excluding from the child’s family home any person named in the order (in this Part of this Act referred to as the “named person”).

(2) The conditions are—

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- (a) that the child has suffered, is suffering, or is likely to suffer, significant harm as a result of any conduct, or any threatened or reasonably apprehended conduct, of the named person;
 - (b) that the making of an exclusion order against the named person—
 - (i) is necessary for the protection of the child, irrespective of whether the child is for the time being residing in the family home; and
 - (ii) would better safeguard the child's welfare than the removal of the child from the family home; and
 - (c) that, if an order is made, there will be a person specified in the application who is capable of taking responsibility for the provision of appropriate care for the child and any other member of the family who requires such care and who is, or will be, residing in the family home (in this section, sections 77 to 79 and section 91(3)(f) of this Act referred to as an "appropriate person").
- (3) No application under subsection (1) above for an exclusion order shall be finally determined under this section unless—
 - (a) the named person has been afforded an opportunity of being heard by, or represented before, the sheriff; and
 - (b) the sheriff has considered any views expressed by any person on whom notice of the application has been served in accordance with rules making such provision as is mentioned in section 91(3)(d) of this Act.
- (4) Where, on an application under subsection (1) above, the sheriff—
 - (a) is satisfied as mentioned in that subsection; but
 - (b) the conditions mentioned in paragraphs (a) and (b) of subsection (3) above for the final determination of the application are not fulfilled,
 he may grant an interim order, which shall have effect as an exclusion order pending a hearing by the sheriff under subsection (5) below held within such period as may be specified in rules made by virtue of section 91(3)(e) of this Act.
- (5) The sheriff shall conduct a hearing under this subsection within such period as may be specified in rules made by virtue of section 91(3)(e) of this Act, and, if satisfied at that hearing as mentioned in subsection (1) above, he may, before finally determining the application, confirm or vary the interim order, or any term or condition on which it was granted, or may recall such order.
- (6) Where the conditions mentioned in paragraphs (a) and (b) of subsection (3) above have been fulfilled, the sheriff may, at any point prior to the final determination of the application, grant an interim order.
- (7) An order under subsection (5) or (6) above shall have effect as an exclusion order pending the final determination of the application.
- (8) Where—
 - (a) an application is made under subsection (1) above; and
 - (b) the sheriff considers that the conditions for making a child protection order under [F14]Part 5 of the Children's Hearings (Scotland) Act 2011] are satisfied,
 he may make [F15]a child protection order] as if the application had been duly made by the local authority under that [F16]Part] rather than under this section.
- (9) The sheriff shall not make an exclusion order if it appears to him that to do so would be unjustifiable or unreasonable, having regard to—

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- (a) all the circumstances of the case, including without prejudice to the generality of this subsection the matters specified in subsection (10) below; and
 - (b) any requirement such as is specified in subsection (11) below and the likely consequences in the light of that requirement of the exclusion of the named person from the family home.
- (10) The matters referred to in subsection (9)(a) above are—
- (a) the conduct of the members of the child’s family (whether in relation to each other or otherwise);
 - (b) the respective needs and financial resources of the members of that family;
 - (c) the extent (if any) to which—
 - (i) the family home; and
 - (ii) any relevant item in that home,
 is used in connection with a trade, business or profession by any member of the family.
- (11) The requirement referred to in subsection (9)(b) above is a requirement that the named person (whether alone or with any other person) must reside in the family home, where that home—
- [^{F17}(a) is on or comprised in a lease constituting a 1991 Act tenancy within the meaning of the Agricultural Holdings (Scotland) Act 2003 (asp 11) or in a lease constituting a short limited duration tenancy [^{F18}, a limited duration tenancy, a modern limited duration tenancy or a repairing tenancy] (within the meaning of that Act); or]
 - (b) is let, or is a home in respect of which possession is given, to the named person (whether alone or with any other person) by an employer as an incident of employment.
- (12) In this Part of this Act—
- “caravan” has the meaning given to it by section 29(1) of the ^{M1}Caravan Sites and Control of Development Act 1960;
 - “exclusion order”, includes an interim order granted under subsection (4) above and such an order confirmed or varied under subsection (5) above and an interim order granted under subsection (6) above; except that in subsection (3) above and in section 79 of this Act, it does not include an interim order granted under subsection (4) above;
 - “family” has the meaning given in section 93(1) of this Act;
 - “family home” means any house, caravan, houseboat or other structure which is used as a family residence and in which the child ordinarily resides with any person described in subsection (13) below and the expression includes any garden or other ground or building attached to and usually occupied with, or otherwise required for the amenity or convenience of, the house, caravan, houseboat or other structure.
- (13) The description of person referred to in the definition of “family home” in subsection (12) above, is a person who has parental responsibilities in relation to the child, or who ordinarily (and other than by reason only of his employment) has charge of, or control over him.

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Textual Amendments

- F14** Words in s. 76(8)(b) substituted (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 5 para. 2\(9\)\(a\)](#) (with s. 186); S.S.I. 2013/195, arts. 2, 3
- F15** Words in s. 76(8) substituted (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 5 para. 2\(9\)\(b\)\(i\)](#) (with s. 186); S.S.I. 2013/195, arts. 2, 3
- F16** Word in s. 76(8) inserted (24.6.2013) by [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 5 para. 2\(9\)\(b\)\(ii\)](#) (with s. 186); S.S.I. 2013/195, arts. 2, 3
- F17** S. 76(11)(a) substituted (27.11.2003) by [The Agricultural Holdings \(Consequential Amendments\) \(Scotland\) Order 2003 \(S.S.I. 2003/583\)](#), arts. 1, 2, [Sch. para. 12](#)
- F18** Words in s. 76(11)(a) substituted (30.11.2017) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 5\(2\)](#) (with s. 128); S.S.I. 2017/299, reg. 2, sch. (with reg. 10)

Marginal Citations

- M1** 1960 c.62.

77 Effect of, and orders etc. ancillary to, exclusion order.

- (1) An exclusion order shall, in respect of the home to which it relates, have the effect of suspending the named person's rights of occupancy (if any) and shall prevent him from entering the home, except with the express permission of the local authority which applied for the order.
- (2) The sheriff, on the application of the local authority, may, if and in so far as he thinks fit, when making an exclusion order do any of the things mentioned in subsection (3) below.
- (3) The things referred to in subsection (2) above are—
 - (a) grant a warrant for the summary ejection of the named person from the home;
 - (b) grant an interdict prohibiting the named person from entering the home without the express permission of the local authority;
 - (c) grant an interdict prohibiting the removal by the named person of any relevant item specified in the interdict from the home, except either—
 - (i) with the written consent of the local authority, or of an appropriate person; or
 - (ii) by virtue of a subsequent order of the sheriff;
 - (d) grant an interdict prohibiting the named person from entering or remaining in a specified area in the vicinity of the home;
 - (e) grant an interdict prohibiting the taking by the named person of any step of a kind specified in the interdict in relation to the child;
 - (f) make an order regulating the contact between the child and the named person, and the sheriff may make any other order which he considers is necessary for the proper enforcement of a remedy granted by virtue of paragraph (a), (b) or (c) of this subsection.
- (4) No warrant, interdict or order (except an interdict granted by virtue of paragraph (b) of subsection (3) above) shall be granted or made under subsection (2) above if the named person satisfies the sheriff that it is unnecessary to do so.

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- (5) Where the sheriff grants a warrant of summary ejection under subsection (2) above in the absence of the named person, he may give directions as to the preservation of any of that person’s goods and effects which remain in the family home.
- (6) The sheriff may make an order of the kind specified in subsection (3)(f) above irrespective of whether there has been an application for such an order.
- (7) On the application of either the named person or the local authority, the sheriff may make the exclusion order, or any remedy granted under subsection (2) above, subject to such terms and conditions as he considers appropriate.
- (8) In this Part of this Act references to a “relevant item” are references to any item within the home which both—
 - (a) is owned or hired by any member of the family concerned or an appropriate person or is being acquired by any such member or person under a hire purchase agreement or conditional sale agreement; and
 - (b) is reasonably necessary to enable the home to be used as a family residence, but does not include any such vehicle, caravan or houseboat or such other structure so used as is mentioned in the definition of “family home” in section 76(12) of this Act.

78 Powers of arrest etc. in relation to exclusion order.

- (1) The sheriff may, whether or not on an application such as is mentioned in subsection (2) below, attach a power of arrest to any interdict granted under section 77(2) of this Act by virtue of subsection (3) of that section.
- (2) A local authority may at any time while an exclusion order has effect apply for such attachment of a power of arrest as is mentioned in subsection (1) above.
- (3) A power of arrest attached to an interdict by virtue of subsection (1) above shall not have effect until such interdict, together with the attached power of arrest, is served on the named person.
- (4) If, by virtue of subsection (1) above, a power of arrest is attached to an interdict, the local authority shall, as soon as possible after the interdict, together with the attached power of arrest, is served on the named person, ensure that there is delivered [^{F19}to the chief constable of the Police Service of Scotland] —
 - ^{F20}(a)
 - ^{F20}(b)

a copy of the application for the interdict and of the interlocutor granting the interdict together with a certificate of service of the interdict and, where the application to attach the power of arrest was made after the interdict was granted, a copy of that application and of the interlocutor above granting it and a certificate of service of the interdict together with the attached power of arrest.
- (5) Where any interdict to which a power of arrest is attached by virtue of subsection (1) above is varied or recalled, the person who applied for the variation or recall shall ensure that there is delivered to [^{F21}the chief constable of the Police Service of Scotland] a copy of the application for such variation or recall and of the interlocutor granting the variation or recall.

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- (6) A constable may arrest without warrant the named person if he has reasonable cause for suspecting that person to be in breach of an interdict to which a power of arrest has been attached by virtue of subsection (1) above.
- (7) Where a person has been arrested under subsection (6) above, the constable in charge of a police station may—
- (a) if satisfied there is no likelihood of that person further breaching the interdict to which the power of arrest was attached under subsection (1) above, liberate him unconditionally; or
 - (b) refuse to liberate that person.
- (8) Such a refusal to liberate an arrested person as is mentioned in subsection (7)(b) above, and the detention of that person until his appearance in court by virtue of either subsection (11) below, or any provision of the [^{F22}Criminal Procedure (Scotland) Act 1995], shall not subject that constable to any claim whatsoever.
- (9) Where a person has been liberated under subsection (7)(a) above, the facts and circumstances which gave rise to the arrest shall be reported to the procurator fiscal forthwith.
- (10) Subsections (11) to (13) below apply only where—
- (a) the arrested person has not been released under subsection (7)(a) above; ^{F23}...
 - ^{F23}(b)
- (11) A person arrested under subsection (6) above shall wherever practicable be brought before the sheriff sitting as a court of summary criminal jurisdiction for the district in which he was arrested not later than in the course of the first day after the arrest, such day not being a Saturday, a Sunday or a court holiday prescribed for that court under [^{F24}section 8 of the said Act of 1995], on which the sheriff is not sitting for the disposal of criminal business.
- ^{F25}(12)
- [^{F26}(12A) Subsection (13) applies where—
- (a) a person is brought before the sheriff under subsection (11) above; and
 - (b) the procurator fiscal has decided that no criminal proceedings are to be taken in respect of the facts and circumstances which gave rise to the arrest.]

(13) Where [^{F27}this subsection applies] —

 - (a) the procurator fiscal shall present to the court a petition containing—
 - (i) a statement of the particulars of the person arrested under subsection (6) above;
 - (ii) a statement of the facts and circumstances which gave rise to that arrest; and
 - (iii) a request that the person be detained for a further period not exceeding two days;
 - (b) the sheriff, if it appears to him that—
 - (i) the statement referred to in paragraph (a)(ii) above discloses *prima facie* breach of interdict by the arrested person;
 - (ii) proceedings for breach of interdict will be taken; and

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- (iii) there is a substantial risk of violence by the arrested person against any member of the family, or an appropriate person, resident in the family home,
 may order the arrested person to be detained for a period not exceeding two days; and
 - (c) the sheriff shall, in any case in which paragraph (b) above does not apply, order the release of the arrested person from custody (unless that person is in custody in respect of some other matter);
- and in computing the period of two days referred to in paragraphs (a) and (b) above, no account shall be taken of a Saturday, a Sunday or any holiday in the court in which proceedings for breach of interdict will require to be raised.

[^{F28}(13A) Subsection (14) applies where—

- (a) a person has been liberated under subsection (7)(a) above; or
- (b) the following conditions are met—
 - (i) a person is to be brought before the sheriff under subsection (11) above; and
 - (ii) the procurator fiscal has decided that no criminal proceedings are to be taken in respect of the facts and circumstances which gave rise to the arrest.]

(14) [^{F29}Where this subsection applies], the procurator fiscal shall at the earliest opportunity, and, [^{F30}where the conditions in subsection (13A)(b) above are met, before the] person is brought before the sheriff, take all reasonable steps to intimate to—

- (i) the local authority which made the application for the interdict;
- (ii) an appropriate person who will reside in, or who remains in residence in, the family home mentioned in the order; and
- (iii) any solicitor who acted for the appropriate person when the interdict was granted or to any other solicitor who the procurator fiscal has reason to believe acts for the time being for that person,

that he has decided that no criminal proceedings should be taken in respect of the facts and circumstances which gave rise to the arrest of the named person.

Textual Amendments

- F19** Words in s. 78(4) inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 11\(2\)\(a\)\(ii\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F20** S. 78(4)(a)(b) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 11\(2\)\(a\)\(i\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F21** Words in s. 78(5) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 11\(2\)\(b\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F22** Words in s. 78(8) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), [Sch. 4 para. 97\(7\)\(a\)](#)
- F23** S. 78(10)(b) and word omitted (25.1.2018) by virtue of [The Criminal Justice \(Scotland\) Act 2016 \(Modification of Part 1 and Ancillary Provision\) Regulations 2017 \(S.S.I. 2017/453\)](#), reg. 1, [sch. para. 2\(a\)](#)
- F24** Words in s. 78(11) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), [Sch. 4 para. 97\(7\)\(b\)](#)

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- F25** S. 78(12) repealed (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Modification of Part 1 and Ancillary Provision\) Regulations 2017 \(S.S.I. 2017/453\)](#), reg. 1, [sch. para. 2\(b\)](#)
- F26** S. 78(12A) inserted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Modification of Part 1 and Ancillary Provision\) Regulations 2017 \(S.S.I. 2017/453\)](#), reg. 1, [sch. para. 2\(c\)](#)
- F27** Words in s. 78(13) substituted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Modification of Part 1 and Ancillary Provision\) Regulations 2017 \(S.S.I. 2017/453\)](#), reg. 1, [sch. para. 2\(d\)](#)
- F28** S. 78(13A) inserted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Modification of Part 1 and Ancillary Provision\) Regulations 2017 \(S.S.I. 2017/453\)](#), reg. 1, [sch. para. 2\(e\)](#)
- F29** Words in s. 78(14) substituted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Modification of Part 1 and Ancillary Provision\) Regulations 2017 \(S.S.I. 2017/453\)](#), reg. 1, [sch. para. 2\(f\)\(i\)](#)
- F30** Words in s. 78(14) substituted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Modification of Part 1 and Ancillary Provision\) Regulations 2017 \(S.S.I. 2017/453\)](#), reg. 1, [sch. para. 2\(f\)\(ii\)](#)

79 Duration, variation and recall of exclusion order.

- (1) Subject to subsection (2) below, an exclusion order shall cease to have effect on a date six months after being made.
- (2) An exclusion order shall cease to have effect on a date prior to the date mentioned in subsection (1) above where—
 - (a) the order contains a direction by the sheriff that it shall cease to have effect on that prior date;
 - (b) the sheriff, on an application under subsection (3) below, recalls the order before the date so mentioned; or
 - (c) any permission given by a third party to the spouse or partner of the named person, or to an appropriate person, to occupy the home to which the order relates is withdrawn.
- (3) The sheriff may, on the application of the local authority, the named person, an appropriate person or the spouse or partner of the named person, if that spouse or partner is not excluded from the family home and is not an appropriate person, vary or recall an exclusion order and any warrant, interdict, order or direction granted or made under section 77 of this Act.
- (4) For the purposes of this section, partners are persons who live together in a family home as if they were husband and wife.

80 Exclusion orders: supplementary provisions.

- (1) The Secretary of State may make regulations with respect to the powers, duties and functions of local authorities in relation to exclusion orders.
- (2) An application for an exclusion order, or under section 79(3) of this Act for the variation or recall of such an order or of any thing done under section 77(2) of this Act, shall be made to the sheriff for the sheriffdom within which the family home is situated.

Offences in connection with orders etc. for protection of children

^{F31}81 Offences in connection with orders etc. for protection of children.

.....

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Textual Amendments

- F31** Ss. 81-85 repealed (S.) (24.6.2013) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with [s. 186](#)) (with savings and transitional provisions in [S.S.I. 2013/150](#), art. 19); [S.S.I. 2013/195](#), arts. 2, 3

Modifications etc. (not altering text)

- C3** Ss. 81-85: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children’s Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), [19](#) (with art. 4(2)); [S.S.I. 2013/195](#)
- C4** Ss. 81-85: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children’s Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), arts. 1(2), [4\(3\)-\(5\)](#)

Fugitive children and harbouring

F31F32 82 Recovery of certain fugitive children.

.....

Textual Amendments

- F31** Ss. 81-85 repealed (S.) (24.6.2013) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with [s. 186](#)) (with savings and transitional provisions in [S.S.I. 2013/150](#), art. 19); [S.S.I. 2013/195](#), arts. 2, 3
- F32** S. 82 repealed (24.6.2013) by [The Children’s Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), art. 1(2), [Sch. 2 Pt. 2](#)

Modifications etc. (not altering text)

- C3** Ss. 81-85: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children’s Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), [19](#) (with art. 4(2)); [S.S.I. 2013/195](#)
- C4** Ss. 81-85: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by [The Children’s Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), arts. 1(2), [4\(3\)-\(5\)](#)

F31F33 83 Harbouring.

.....

Textual Amendments

- F31** Ss. 81-85 repealed (S.) (24.6.2013) by [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), [sch. 6](#) (with [s. 186](#)) (with savings and transitional provisions in [S.S.I. 2013/150](#), art. 19); [S.S.I. 2013/195](#), arts. 2, 3
- F33** S. 83 repealed (24.6.2013) by [The Children’s Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), art. 1(2), [Sch. 2 Pt. 2](#)

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Modifications etc. (not altering text)

C3

Ss. 81-85: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by The Children s Hearings (Scotland) Act 2011 (Transitional, Savings and Supplementary Provisions) Order 2013 (S.S.I. 2013/150), arts. 1(1), 19 (with art. 4(2)); S.S.I. 2013/195

C4

Ss. 81-85: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by The Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013 (S.I. 2013/1465), arts. 1(2), 4(3)-(5)

Implementation of authorisations etc.

F3184 Implementation of authorisations etc.

Textual Amendments

F31

Ss. 81-85 repealed (S.) (24.6.2013) by Children’s Hearings (Scotland) Act 2011 (asp 1), s. 206(2), sch. 6 (with s. 186) (with savings and transitional provisions in S.S.I. 2013/150, art. 19); S.S.I. 2013/195, arts. 2, 3

Modifications etc. (not altering text)

C3

Ss. 81-85: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by The Children s Hearings (Scotland) Act 2011 (Transitional, Savings and Supplementary Provisions) Order 2013 (S.S.I. 2013/150), arts. 1(1), 19 (with art. 4(2)); S.S.I. 2013/195

C4

Ss. 81-85: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by The Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013 (S.I. 2013/1465), arts. 1(2), 4(3)-(5)

New evidence: review of establishment of grounds of referral

F3185 Application for review of establishment of grounds of referral.

Textual Amendments

F31

Ss. 81-85 repealed (S.) (24.6.2013) by Children’s Hearings (Scotland) Act 2011 (asp 1), s. 206(2), sch. 6 (with s. 186) (with savings and transitional provisions in S.S.I. 2013/150, art. 19); S.S.I. 2013/195, arts. 2, 3

Modifications etc. (not altering text)

C3

Ss. 81-85: savings for effects of 2011 asp 1, sch. 6 (24.6.2013) by The Children s Hearings (Scotland) Act 2011 (Transitional, Savings and Supplementary Provisions) Order 2013 (S.S.I. 2013/150), arts. 1(1), 19 (with art. 4(2)); S.S.I. 2013/195

C4

Ss. 81-85: saving for effects of 2011 asp 1, sch. 6 (24.6.2013) by The Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013 (S.I. 2013/1465), arts. 1(2), 4(3)-(5)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). These Regulations never came into effect, having been revoked before coming into force by S.I. 2010/1906, reg. 2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(3A)(ba) inserted by [2009 c. 24 Sch. 6 para. 25](#)
- s. 4B inserted by [2020 asp 16 s. 28\(2\)](#)
- s. 6(1A)-(1D) inserted by [2020 asp 16 s. 1\(2\)\(b\)](#)
- s. 10(1A) inserted by [2024 asp 2 Sch. 1 para. 18\(b\)](#)
- s. 11(14) inserted by [2020 asp 16 s. 10\(2\)\(b\)](#)
- s. 11B11C inserted by [2020 asp 16 s. 8\(2\)](#)
- s. 11B(2) power to amend conferred by [2020 asp 16 s. 32](#)
- s. 11D inserted by [2020 asp 16 s. 17\(2\)](#)
- s. 11D(3) power to amend conferred by [2020 asp 16 s. 32](#)
- s. 11E inserted by [2020 asp 16 s. 18\(2\)](#)
- s. 11F inserted by [2020 asp 16 s. 20\(2\)](#)
- s. 11G inserted by [2020 asp 16 s. 22\(2\)](#)
- s. 11ZA11ZB inserted by [2020 asp 16 s. 1\(4\)](#)
- s. 11ZA(2A) inserted by [2020 asp 16 s. 30\(2\)](#)
- s. 11ZA(3)(f) inserted by [2020 asp 16 s. 16\(2\)](#)
- s. 16(1A) inserted by [2020 asp 16 s. 30\(3\)](#)
- s. 16(2)-(2B) substituted for s. 16(2) by [2020 asp 16 s. 1\(6\)](#)
- s. 100A inserted by [2020 asp 16 s. 21\(2\)](#)
- s. 101D inserted by [2020 asp 16 s. 11\(2\)](#)
- s. 101E inserted by [2020 asp 16 s. 12\(2\)](#)