



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

70 Disposal of referral by children's hearing: supervision requirements, including residence in secure accommodation

- (1) Where the children's hearing to whom a child's case has been referred under section 65(1) of this Act are satisfied that compulsory measures of supervision are necessary in respect of the child they may make a requirement under this section (to be known as a "supervision requirement").
- (2) A children's hearing, where they decide to make such a requirement, shall consider whether to impose any condition such as is described in subsection (5)(b) below.
- (3) A supervision requirement may require the child—
 - (a) to reside at any place or places specified in the requirement; and
 - (b) to comply with any condition contained in the requirement.
- (4) The place or, as the case may be, places specified in a requirement under subsection (3) (a) above may, without prejudice to the generality of that subsection, be a place or places in England or Wales; and a supervision requirement shall be authority for the person in charge of such a place to restrict the child's liberty to such extent as that person may consider appropriate, having regard to the terms of the requirement.

Status: This is the original version (as it was originally enacted).

- (5) A condition imposed under subsection (3)(b) above may, without prejudice to the generality of that subsection—
- (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.
- (6) A children’s hearing may require, when making a supervision requirement, that any place where the child is to reside in accordance with the supervision requirement shall not be disclosed to any person specified in the requirement under this subsection or class of persons so specified.
- (7) A children’s hearing who make a supervision requirement may determine that the requirement shall be reviewed at such time during the duration of the requirement as they determine.
- (8) A supervision requirement shall be in such form as the Secretary of State may prescribe by rules.
- (9) Where a children’s hearing are satisfied—
- (a) that it is necessary to make a supervision requirement which includes a requirement under subsection (3)(a) above that the child reside in a named residential establishment; and
 - (b) that any of the criteria specified in subsection (10) below are satisfied,
- they may specify in the requirement that the child shall be liable to be placed and kept in secure accommodation in that establishment during such period as the person in charge of that establishment, with the agreement of the chief social work officer of the relevant local authority, considers necessary.
- (10) The criteria referred to in subsection (9) above are that the child—
- (a) having previously absconded, is likely to abscond unless kept in secure accommodation, and, if he absconds, it is likely that his physical, mental or moral welfare will be at risk; or
 - (b) is likely to injure himself or some other person unless he is kept in such accommodation.