



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART V

#### CHILDREN AND YOUNG PERSONS

##### [<sup>F1</sup>44A Appeal against detention in secure accommodation

- (1) A child, or a relevant person in relation to the child, may appeal to the sheriff against a decision by a local authority to detain the child in secure accommodation in pursuance of an order made under section 44 of this Act.
- (2) An appeal under subsection (1) may be made jointly by—
  - (a) the child and one or more relevant persons in relation to the child; or
  - (b) two or more relevant persons in relation to the child.
- (3) An appeal must not be held in open court.
- (4) The sheriff may determine an appeal by—
  - (a) confirming the decision to detain the child in secure accommodation; or
  - (b) quashing that decision and directing the local authority to move the child to be detained in residential accommodation which is not secure accommodation.
- (5) The Scottish Ministers may by regulations make further provision about appeals under subsection (1).
- (6) Regulations under subsection (5) may in particular—
  - (a) specify the period within which an appeal may be made;
  - (b) make provision about the hearing of evidence during an appeal;
  - (c) provide for appeals to the sheriff principal and Court of Session against the determination of an appeal.
- (7) Regulations under subsection (5) are subject to the affirmative procedure.
- (8) In this section—

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*Status: Point in time view as at 01/09/2015. This version of this provision has been superseded.*

**Changes to legislation:** Criminal Procedure (Scotland) Act 1995, Section 44A is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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“relevant person”, in relation to a child, means any person who is a relevant person in relation to the child for the purposes of the Children's Hearings (Scotland) Act 2011 (including anyone deemed to be a relevant person in relation to the child by virtue of section 81(3), 160(4)(b) or 164(6) of that Act);  
“secure accommodation” has the same meaning as in section 44 of this Act.]

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**Textual Amendments**

**F1** S. 44A inserted (1.8.2014 for specified purposes) by Children and Young People (Scotland) Act 2014 (asp 8), ss. 91, 102(3); S.S.I. 2014/131, art. 2(2)(3), sch.

**Status:**

Point in time view as at 01/09/2015. This version of this provision has been superseded.

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