

### SCHEDULE 3

#### MODIFICATIONS: SCOTLAND AND ENGLAND AND WALES

##### *Modification of Acts*

#### **Criminal Procedure (Scotland) Act 1995**

2. Section 44 of the Criminal Procedure (Scotland) Act 1995<sup>(1)</sup> (detention of children) is amended as follows—

- (a) in subsection (3), for “supervision requirement” substitute “compulsory supervision order”;
- (b) in subsections (4) and (7), for “supervision requirement”, in each place it occurs substitute “compulsory supervision order or interim compulsory supervision order”;
- (c) in subsection (7), for “requirement” substitute “order”; and
- (d) in subsection (11), for the definition of “secure accommodation” substitute—

““secure accommodation” means accommodation provided for the purpose of restricting the liberty of children which—

- (a) in Scotland, is provided in a residential establishment approved in accordance with regulations made under section 78(2) of the Public Service Reform (Scotland) Act 2010;
- (b) in England, is provided in a children’s home within the meaning of the 2000 Act in respect of which a person is registered under Part 2 of that Act, except that before the coming into force of section 107(2) of the Health and Social Care (Community Health Standards) Act 2003, “secure accommodation” means accommodation in relation to England which—
  - (i) is provided in a children’s home, within the meaning of the 2000 Act, in respect of which a person is registered under Part 2 of that Act; and
  - (ii) is approved by the Secretary of State for the purpose of restricting the liberty of children; and
- (c) in Wales, is provided in a children’s home within the meaning of the 2000 Act in respect of which a person is registered under Part 2 of that Act;”.

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(1) 1995 c.46.