

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 16 – Enforcement of Orders

Section 171 – Offences related to absconding

249. This section applies where a child is required to be kept in a particular place or with a particular person, such as a foster carer or relative who has (or is authorised to have) control of a child by virtue of an order or warrant specified in subsection (1) (a). It is an offence for a person to knowingly help or induce a child to abscond, to knowingly harbour or conceal a child, or to knowingly prevent a child from returning to the place of safety or person (subsection (2)). Subsection (3) provides that anyone who commits such an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale or a term of imprisonment not exceeding six months or both. Subsection (4) provides that a local authority, person providing a care home service or other children's home, or foster parent who provides short-term refuge for a child who appears to them to be at risk of harm and who requests refuge, will not be criminally liable for an offence under subsection (2) so long as the conditions set out in the specified provisions are observed.