Status: Point in time view as at 24/06/2013.
Changes to legislation: Children's Hearings (Scotland) Act 2011, Cross Heading: Other emergency measures is up to date with all changes known to be in force on or before 27 January 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)

Children's Hearings (Scotland) Act 2011
2011 asp 1

PART 5

CHILD ASSESSMENT AND CHILD PROTECTION ORDERS

Other emergency measures

55   Application to justice of the peace

(1) A person may apply to a justice of the peace for an order in respect of a child—
  (a)   requiring any person in a position to do so to produce the child to a specified person,
  (b)   authorising the removal of the child by the specified person to a place of safety and the keeping of the child in that place,
  (c)   authorising the prevention of the removal of the child from any place where the child is staying.

(2) A justice of the peace may make an order under this section if—
  (a)   the justice of the peace is satisfied of—
      (i) in a case where the applicant for the order is a local authority, the matters mentioned in section 38(2)(a) to (d), or
      (ii) in a case where the applicant for the order is a local authority or any other person, the matters mentioned in section 39(2)(a) and (b), and
  (b)   the justice of the peace is satisfied that it is not practicable in the circumstances for an application for a child protection order to be made to or considered by the sheriff.

(3) As soon as practicable after the making of the order, the applicant must inform—
  (a)   the Principal Reporter,
  (b)   the person specified in the order under subsection (1)(a) (unless the person is the applicant).

(4) The order ceases to have effect at the end of the period of 12 hours beginning with the making of the order if—
  (a)   where the order authorises the removal of the child to a place of safety, the child has not been taken, or is not being taken, to that place within that period,

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(b) where the order authorises the prevention of the removal of the child from a place where the child is staying, arrangements have not been made within that period to prevent that removal.

(5) Otherwise, the order ceases to have effect on the earlier of—

(a) the end of the period of 24 hours beginning with the making of the order, or

(b) the determination by the sheriff of an application to the sheriff for a child protection order in respect of the child.

(6) The Principal Reporter may, by giving notice to the applicant, terminate the order if—

(a) the Principal Reporter is satisfied that the conditions for the making of an order under this section are no longer satisfied, or

(b) the Principal Reporter is satisfied that it is no longer in the best interests of the child for the order to continue to have effect.

(7) In subsection (1), "specified" means specified in the order.

Commencement Information

I1   S. 55 in force at 24.6.2013 by S.S.I. 2013/195, **arts. 2**, 3

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56   Constable's power to remove child to place of safety

(1) A constable may remove a child to a place of safety and keep the child there if—

(a) the constable is satisfied—

(i) of the matters mentioned in section 39(2)(a), and

(ii) that the removal of the child is necessary to protect the child from the harm mentioned there or from further harm, and

(b) it is not practicable in the circumstances for an application for a child protection order to be made to or considered by the sheriff.

(2) As soon as practicable after a constable removes a child under this section, the constable must inform the Principal Reporter.

(3) The child may not be kept in a place of safety under this section for a period of more than 24 hours.

(4) The child may not be kept in a place of safety under this section if—

(a) a child protection order is in force in respect of the child, or

(b) an application has been made to the sheriff for a child protection order or to a justice of the peace for an order under section 55 on the basis of the facts before the constable and that application has been refused.

(5) The Principal Reporter may, by giving notice to the constable, require the constable to release the child if—

(a) the Principal Reporter is satisfied that the conditions for placing the child in a place of safety under this section are no longer satisfied, or

(b) the Principal Reporter is satisfied that it is no longer in the best interests of the child to be kept in a place of safety.

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Commencement Information

I2   S. 56 in force at 24.6.2013 by S.S.I. 2013/195, **arts. 2**, 3

57   Sections 55 and 56: regulations

(1) The Scottish Ministers may by regulations make further provision in respect of a child removed to or kept in a place of safety—

    (a)   under an order under section 55,

    (b)   under section 56.

(2) In particular, the regulations may require notice to be given to a person specified in the regulations of—

    (a)   the removal of the child to the place of safety,

    (b)   the location of the place of safety,

    (c)   an order under section 55 ceasing to have effect by virtue of subsection (4) or (5) of that section.

Commencement Information

I3   S. 57 in force at 24.6.2013 by S.S.I. 2013/195, **arts. 2**, 3

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