

CORONAVIRUS (SCOTLAND) ACT 2020

EXPLANATORY NOTES

DETAIL ABOUT PROVISIONS

Schedule 3 - Children and vulnerable adults

Part 1 - Children

Children in secure accommodation

71. Regulation 5(1) of the Secure Accommodation (Scotland) Regulations 2013 (“the 2013 Regulations”) provides that the maximum time for which a child may be kept in secure accommodation without the authority of the children’s hearing or the sheriff is an aggregate of 72 hours (whether or not consecutive) in any period of 28 consecutive days.
72. Regulations 7(5) and 8(6) of the 2013 Regulations provide a timescale of 72 hours for the Principal Reporter to arrange a children’s hearing where a child has been placed in secure accommodation.
73. Paragraph 6(2) of schedule 3 modifies Regulation 5(1) of the 2013 Regulations to provide that the maximum time for which a child may be kept in secure accommodation without the authority of the children’s hearing or the sheriff is an aggregate of 96 hours (whether or not consecutive) in any period of 28 consecutive day.
74. Subparagraphs (3) and (4) of paragraph 6 respectively modify Regulations 7 and 8 of the 2013 Regulations to provide that where the Principal Reporter considers that it would not be reasonably practicable to arrange a children’s hearing within 72 hours, the Principal Reporter will have an additional 24 hours to arrange such a hearing.
75. Paragraph 6(5) provides that the modifications made in paragraphs 6(2) to (4) do not apply in relation to a child placed in secure accommodation before the day on which these modifications come into force.