



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 16

ENFORCEMENT OF ORDERS

168 Enforcement of orders

- (1) Subsection (2) applies where a relevant order authorising the keeping of a child in a particular place (an “authorised place”) is in force in relation to a child.
- (2) An officer of law may enforce the order—
- (a) by searching for and apprehending the child,
 - (b) by taking the child to the authorised place,
 - (c) where—
 - (i) it is not reasonably practicable to take the child immediately to the authorised place,^{F1}...
 - ^{F1}(ii)
by taking the child to and detaining the child in a place of safety for as short a period of time as is practicable, and
 - (d) so far as is necessary, by breaking open shut and lockfast places.
- (3) In this section, “relevant order” means—
- (a) a child assessment order,
 - (b) a child protection order,
 - (c) an order under section 55,
 - (d) a compulsory supervision order,
 - (e) an interim compulsory supervision order,
 - (f) a medical examination order.

Textual Amendments

- F1** S. 168(2)(c)(ii) and word preceding it omitted (24.6.2013) by virtue of [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, [Sch. 1 para. 20\(17\)](#)

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Modifications etc. (not altering text)

- C1** S. 168 applied by 1989 c. 41, s. 25(8A) (as inserted (27.4.2017) by Children and Social Work Act 2017 (c. 16), s. 70(1)(a), Sch. 1 para. 2(6))
- C2** S. 168 modified (24.6.2022) by The Cross-border Placements (Effect of Deprivation of Liberty Orders) (Scotland) Regulations 2022 (S.S.I. 2022/225), regs. 1, 13(7)

Commencement Information

- I1** S. 168 in force at 24.6.2013 by S.S.I. 2013/195, arts. 2, 3

169 Child absconding from place

- (1) This section applies where—
 - (a) a child requires to be kept in a particular place by virtue of—
 - (i) a child assessment order,
 - (ii) a child protection order,
 - (iii) an order under section 55,
 - (iv) section 56,
 - (v) section 65,
 - (vi) a compulsory supervision order,
 - (vii) an interim compulsory supervision order,
 - (viii) a medical examination order,
 - (ix) a warrant to secure attendance, or
 - (x) section 143, and
 - (b) the child absconds from that place or, at the end of a period of leave, fails to return to that place.
- (2) The child may be ^{F2}... taken to that place.
- (3) If a court is satisfied that there are reasonable grounds for believing that the child is within premises, the court may grant a warrant authorising an officer of law to—
 - (a) enter premises, and
 - (b) search for the child.
- (4) The court may authorise the officer of law to use reasonable force for those purposes.
- (5) Where the child is returned to the place mentioned in subsection (1), but the occupier of that place is unwilling or unable to receive the child—
 - (a) the officer of law returning the child must immediately notify the Principal Reporter of that fact, and
 - (b) the child must be kept in a place of safety until the occurrence of the relevant event.
- (6) In subsection (5), the relevant event is—
 - (a) in the case mentioned in sub-paragraph (i) of subsection (1)(a), the end of the period specified in the child assessment order,
 - (b) in the case mentioned in sub-paragraph (ii) of that subsection, whichever of the following first occurs—
 - (i) the children's hearing arranged under section 45 or 69,
 - (ii) the termination of the child protection order,

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- (c) in the case mentioned in sub-paragraph (iii) of that subsection, whichever of the following first occurs—
 - (i) the order ceasing to have effect under section 55(4) or (5),
 - (ii) the determination by the sheriff of an application for a child protection order in respect of the child,
- (d) in the case mentioned in sub-paragraph (iv) of that subsection, whichever of the following first occurs—
 - (i) the giving of notice under subsection (5) of section 56, or
 - (ii) the end of the period mentioned in subsection (3) of that section,
- (e) in the case mentioned in sub-paragraph (v) of that subsection, whichever of the following first occurs—
 - (i) the giving of a direction by the Principal Reporter under section 68(2) or 72(2)(a), or
 - (ii) the children's hearing arranged by virtue of section 69(2),
- (f) in the case mentioned in sub-paragraph (vi) of that subsection, the children's hearing arranged by virtue of section 131(2)(b),
- (g) in the cases mentioned in sub-paragraphs (vii) and (ix) of that subsection whichever of the following first occurs—
 - (i) the next children's hearing that has been arranged in relation to the child,
 - (ii) the next hearing before the sheriff relating to the child that is to take place by virtue of this Act,
- (h) in the cases mentioned in sub-paragraphs (viii) and (x) of that subsection, the next children's hearing that has been arranged in relation to the child.

Textual Amendments

- F2** Words in s. 169(2) repealed (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), [sch. 2 para. 24](#); [S.S.I. 2017/345](#), art. 3, sch.

Modifications etc. (not altering text)

- C3** [S. 169](#) modified (24.6.2022) by [The Cross-border Placements \(Effect of Deprivation of Liberty Orders\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/225\)](#), regs. 1, [13\(8\)](#)
- C4** [S. 169\(1\)-\(4\)](#) applied by 1989 c. 41, s. 25(8A) (as inserted (27.4.2017) by [Children and Social Work Act 2017 \(c. 16\)](#), s. 70(1)(a), [Sch. 1 para. 2\(6\)](#))

Commencement Information

- I2** [S. 169](#) in force at 24.6.2013 by [S.S.I. 2013/195](#), arts. 2, 3

170 Child absconding from person

- (1) This section applies where—
- (a) a person has (or is authorised to have) control of a child by virtue of—
 - (i) a child assessment order,
 - (ii) a child protection order,
 - (iii) an order under section 55,
 - (iv) section 56,
 - (v) section 65,

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- (vi) a compulsory supervision order,
 - (vii) an interim compulsory supervision order,
 - (viii) a medical examination order,
 - (ix) a warrant to secure attendance, or
 - (x) section 143, and
- (b) the child absconds from that person.
- (2) The child may be ^{F3}... taken to that person.
- (3) If a court is satisfied that there are reasonable grounds for believing that the child is within premises, the court may grant a warrant authorising an officer of law to—
 - (a) enter premises, and
 - (b) search for the child.
- (4) The court may authorise the officer of law to use reasonable force for those purposes.
- (5) Where the child is returned to the person mentioned in subsection (1), but the person is unwilling or unable to receive the child—
 - (a) the officer of law returning the child must immediately notify the Principal Reporter of that fact, and
 - (b) the child must be kept in a place of safety until the occurrence of the relevant event.
- (6) In subsection (5), the relevant event is—
 - (a) in the case mentioned in sub-paragraph (i) of subsection (1)(a), the end of the period specified in the child assessment order,
 - (b) in the case mentioned in sub-paragraph (ii) of that subsection, whichever of the following first occurs—
 - (i) the children's hearing arranged under section 45 or 69,
 - (ii) the termination of the child protection order,
 - (c) in the case mentioned in sub-paragraph (iii) of that subsection, whichever of the following first occurs—
 - (i) the order ceasing to have effect under section 55(4) or (5),
 - (ii) the determination by the sheriff of an application for a child protection order in respect of the child,
 - (d) in the case mentioned in sub-paragraph (iv) of that subsection, whichever of the following first occurs—
 - (i) the giving of notice under subsection (5) of section 56, or
 - (ii) the end of the period mentioned in subsection (3) of that section,
 - (e) in the case mentioned in sub-paragraph (v) of that subsection, whichever of the following first occurs—
 - (i) the giving of a direction by the Principal Reporter under section 68(2) or 72(2)(a), or
 - (ii) the children's hearing arranged by virtue of section 69(2),
 - (f) in the case mentioned in sub-paragraph (vi) of that subsection, the children's hearing arranged by virtue of section 131(2)(b),
 - (g) in the cases mentioned in sub-paragraphs (vii) and (ix) of that subsection whichever of the following first occurs—
 - (i) the next children's hearing that has been arranged in relation to the child,

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- (ii) the next hearing before the sheriff relating to the child that is to take place by virtue of this Act,
- (h) in the cases mentioned in sub-paragraphs (viii) and (x) of that subsection, the next children's hearing that has been arranged in relation to the child.

Textual Amendments

- F3** Words in s. 170(2) repealed (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), [sch. 2 para. 24](#); [S.S.I. 2017/345](#), art. 3, sch.

Modifications etc. (not altering text)

- C5** [S. 170](#) modified (24.6.2022) by [The Cross-border Placements \(Effect of Deprivation of Liberty Orders\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/225\)](#), regs. 1, **13(9)**

Commencement Information

- I3** [S. 170](#) in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

171 Offences related to absconding

- (1) This section applies where—
 - (a) a child requires to be kept in a particular place by virtue of—
 - (i) a child assessment order,
 - (ii) a child protection order,
 - (iii) a compulsory supervision order,
 - (iv) an interim compulsory supervision order,
 - (v) a medical examination order, or
 - (vi) a warrant to secure attendance, or
 - (b) a person has (or is authorised to have) control of a child by virtue of such an order or warrant.
- (2) A person commits an offence if the person—
 - (a) knowingly assists or induces the child to abscond from the place or person,
 - (b) knowingly harbours or conceals a child who has absconded from the place or person, or
 - (c) knowingly prevents a child from returning to the place or person.
- (3) The person is liable on summary conviction to a fine not exceeding level 5 on the standard scale, to imprisonment for a term not exceeding 6 months or to both.
- (4) This section is subject to—
 - (a) section 38(3) and (4) of the 1995 Act,
 - (b) section 51(5) and (6) of the Children Act 1989 (c.41), and
 - (c) Article 70(5) and (6) of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)).

Modifications etc. (not altering text)

- C6** [S. 171](#) modified (24.6.2022) by [The Cross-border Placements \(Effect of Deprivation of Liberty Orders\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/225\)](#), regs. 1, **13(10)**

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Commencement Information

I4 S. 171 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)