

POLICY NOTE

THE SECURE ACCOMMODATION (SCOTLAND) AMENDMENT REGULATIONS 2015

SSI 2015/XXX

1. The above instrument (“the Amendment Regulations”) is made in exercise of the powers conferred by section 152 of the Children’s Hearings (Scotland) Act 2011 (“the 2011 Act”). The instrument is subject to affirmative procedure. The purpose of the Rules is to make a consequential amendment to the Secure Accommodation (Scotland) Regulations 2013 (“the 2013 Regulations”) as a result of provisions contained in the Children and Young People (Scotland) Act 2014 (“the 2014 Act”).

Legislative Background

2. Section 86 of the 2014 Act amends section 95 of the 2011 Act to enable a children’s hearing (known as a “grounds hearing”) arranged under section 69(2) or section 95(2) of the 2011 Act to make an interim compulsory supervision order (ICSO) where a child fails to attend that hearing and was not excused from attending and the hearing, as a result, has required the Principal Reporter to arrange another grounds hearing. The power to make an ICSO is available if the hearing considers that the nature of the child’s circumstances is such that for their protection, guidance, treatment or control it is necessary for an ICSO to be made as a matter of urgency.

3. Regulation 8 of the Secure Accommodation (Scotland) Regulations 2013 (“the 2013 Regulations”) makes provision for placement of children in secure accommodation where they are subject to ICSOs or medical examination orders which do not contain a secure accommodation authorisation. Since a child could be placed in secure accommodation as a result of an ICSO made under amended section 95 it is necessary to make provision for that in the 2013 Regulations.

Consultation

4. No formal consultation has been undertaken on the Amendment Regulations.

**Scottish Government
Children and Families Directorate
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