

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further provision about appeals against a decision to detain a child in secure accommodation in pursuance of an order made by a sheriff under section 44 of the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”). Section 44A of the 1995 Act (as inserted by section 91 of the Children and Young People (Scotland) Act 2014) creates a right of appeal against a decision to place a child in secure accommodation, following an order being made by the sheriff under section 44 that the child should be detained in residential accommodation. The Regulations amend the Secure Accommodation (Scotland) Regulations 2013 (“the 2013 Regulations”), which currently allow for the placement of children in secure accommodation in these circumstances.

Regulation 2 provides that the Regulations only apply in relation to decisions to place a child in secure accommodation which were made on or after the Regulations come into force.

Regulation 3 inserts a new regulation 11A into the 2013 Regulations, making further provision about appeals made under section 44A of the 1995 Act, and in particular: the timescales for the making and disposal of an appeal, the hearing of evidence in relation to an appeal, and the obtaining of the child’s views in relation to the appeal.