



# Children Act 1975

## 1975 CHAPTER 72

### PART III

#### CARE

##### *Further amendments of Social Work (Scotland) Act 1968*

#### **84 Amendment of section 40 of Social Work (Scotland) Act 1968**

In section 40 of the Social Work (Scotland) Act 1968—

(a) for subsection (7) there is substituted—

“(7) Where a children's hearing before whom a child is brought are unable to dispose of his case and—

(a) have reason to believe that the child may not attend at any hearing of his case, or at any proceedings arising from the case or may fail to comply with a requirement under section 43(4) of this Act; or

(b) are satisfied that detention of the child is necessary in his own interest,

they may issue a warrant requiring the child to be detained in a place of safety for such a period not exceeding twenty-one days as may be necessary.”;

(b) for subsection (8) there is substituted—

“(8) On cause shown a warrant authorising detention under subsection (7) of this section may be renewed by a children's hearing on one occasion only, for the period mentioned in that subsection, on the application of the reporter.”;

(c) the following subsections are inserted after subsection (8)—

“(8A) Where a warrant has been renewed under subsection (8) of this section but it appears to the reporter—

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*Status: This is the original version (as it was originally enacted).*

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- (a) that the children's hearing will not be able to dispose of the child's case before the expiry of the period of detention required by the warrant as renewed; and
- (b) that further detention of the child is necessary in the child's own interest,

the reporter may apply to the sheriff for a warrant requiring the child to be detained in a place of safety for such a period not exceeding twenty-one days as may be necessary, and the sheriff may issue such a warrant if he is satisfied that such detention is necessary in the child's own interest.

- (8B) On cause shown, a warrant authorising detention under subsection (8A) of this section may be renewed by the sheriff on one occasion only, for the period mentioned in that subsection, on the application of the reporter.”