



Law Reform (Miscellaneous Provisions) (Scotland) Act 1985

1985 CHAPTER 73

Provisions relating to the care of children

25 Amendment of provisions about detention of children.

- (1) In section 42(3) of the ^{M1}Social Work (Scotland) Act 1968 (which, amongst other things, limits to 7 days the period of detention, pending disposal of the case, of a child who has failed to attend before the sheriff in an application to him in respect of the grounds of referral of the child to a children's hearing) for the words from "for", where last occurring, to the end there shall be substituted the words "after whichever is the earlier of the following—
- (a) the expiry of 14 days beginning with the day on which he was first detained;
 - (b) the disposal of the application by the sheriff."
- (2) In section 42(6) of the Social Work (Scotland) Act 1968 (remission of case from sheriff to reporter where the sheriff is satisfied that grounds of referral have been established)
- (a) after the word "established" there shall be inserted "(a)"; and
 - (b) after the word "case", where secondly occurring, there shall be inserted ";
 - (b) if he is satisfied that detention of the child is necessary in his own interest or has reason to believe that the child will run away before the children's hearing sit to consider the case, he may issue a warrant requiring the detention of the child until the children's hearing sit to consider the case, but a child shall not be detained under this subsection after whichever is the earlier of the following—
 - (i) the expiry of 3 days beginning with the day on which he was first detained;
 - (ii) the consideration of his case by the children's hearing."

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, Section 25 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Marginal Citations

M1 [1968 c. 49](#).

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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):

- s. 8(5A) inserted by [2007 asp 3 s. 48\(3\)](#)