



Children (Scotland) Act 1995

1995 CHAPTER 36

PART II

PROMOTION OF CHILDREN'S WELFARE BY LOCAL
AUTHORITIES AND BY CHILDREN'S HEARINGS ETC.

CHAPTER 3

PROTECTION AND SUPERVISION OF CHILDREN

Children requiring compulsory measures of supervision

52 Children requiring compulsory measures of supervision.

- (1) The question of whether compulsory measures of supervision are necessary in respect of a child arises if at least one of the conditions mentioned in subsection (2) below is satisfied with respect to him.
- (2) The conditions referred to in subsection (1) above are that the child—
 - (a) is beyond the control of any relevant person;
 - (b) is falling into bad associations or is exposed to moral danger;
 - (c) is likely—
 - (i) to suffer unnecessarily; or
 - (ii) be impaired seriously in his health or development,
due to a lack of parental care;
 - (d) is a child in respect of whom any of the offences mentioned in [^{F1}Schedule 1 of the Criminal Procedure (Scotland) Act 1995] (offences against children to which special provisions apply) has been committed;
 - (e) is, or is likely to become, a member of the same household as a child in respect of whom any of the offences referred to in paragraph (d) above has been committed;

Status: Point in time view as at 31/01/2005.

Changes to legislation: Children (Scotland) Act 1995, Cross Heading: Children requiring compulsory measures of supervision is up to date with all changes known to be in force on or before 13 May 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)

- (f) is, or is likely to become, a member of the same household as a person who has committed any of the offences referred in paragraph (d) above;
- (g) is, or is likely to become, a member of the same household as a person in respect of whom an offence under [^{F2}sections 1 to 3 of the Criminal Law (Consolidation)(Scotland) Act 1995] (incest and intercourse with a child by step-parent or person in position of trust) has been committed by a member of that household;
- (h) has failed to attend school regularly without reasonable excuse;
- (i) has committed an offence;
- (j) has misused alcohol or any drug, whether or not a controlled drug within the meaning of the ^{M1}Misuse of Drugs Act 1971;
- (k) has misused a volatile substance by deliberately inhaling its vapour, other than for medicinal purposes;
- (l) is being provided with accommodation by a local authority under section 25, or is the subject of a parental responsibilities order obtained under section 86, of this Act and, in either case, his behaviour is such that special measures are necessary for his adequate supervision in his interest or the interest of others.
- [^{F3}(m) is a child to whom subsection (2A) below applies.

(2A) This subsection applies to a child where—

- (a) a requirement is made of the Principal Reporter under section 12(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) (power of sheriff to require Principal Reporter to refer case to children’s hearing) in respect of the child’s case; and
- (b) the child is not subject to a supervision requirement.]

(3) In this Part of this Act, “supervision” in relation to compulsory measures of supervision may include measures taken for the protection, guidance, treatment or control of the child.

Textual Amendments

- F1** Words in s. 52(2)(d) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 97(4)(a)**
- F2** Words in s. 52(2)(g) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 97(4)(b)**
- F3** S. 52(2)(m)(2A) inserted (28.10.2004) by **Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 12(3), 145(2); S.S.I. 2004/420, art. 3, Sch. 1**

Marginal Citations

- M1** 1971 c.38.

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