

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 16 – Enforcement of Orders

Section 169 – Child absconding from place

245. This section provides that a child who absconds from or fails to return to a particular place in which they are required to be kept by virtue of an order or warrant, for example a place of safety or residential establishment, may be arrested without a warrant and returned to that place. Subsection (1) provides that this provision applies where the child is required to reside at a particular place in accordance with one of the orders listed in paragraph (a) and where the child absconds from that place or fails to return to that place.
246. Subsection (3) allows a court to grant a warrant authorising an officer of law to enter premises and search for the child where there are reasonable grounds for believing that the child is within the premises. Subsection (4) expressly permits the officer to use reasonable force for these purposes. Subsection (5) provides that, where a child cannot be returned to the place at which they are required to stay by virtue of the order or warrant because the occupier is unwilling or unable to take the child back, the officer must inform the Principal Reporter immediately and the child must be kept in a place of safety until the 'relevant event' occurs. Subsection (6) defines 'relevant event' in relation to each of the cases listed in subsection 1(a).