



Children (Care and Justice) (Scotland) Act 2024

2024 asp 5

PART 2

CRIMINAL JUSTICE AND PROCEDURE

PROSPECTIVE

Local authority duties in relation to detained children

23 Duty of local authority to provide residential establishments for detained children

- (1) The Social Work (Scotland) Act 1968 is amended as follows.
- (2) In section 59 (provision of residential and other establishments by local authorities), in subsection (1)—
 - (a) for second “under” substitute “conferred under or by virtue of”,
 - (b) after “1995 (c.36)” insert “, the Criminal Procedure (Scotland) Act 1995”.

Commencement Information

- II** S. 23 not in force at Royal Assent, see [s. 38\(3\)](#)

24 Children detained in secure accommodation to be treated as “looked after” children

- (1) The Children (Scotland) Act 1995 is amended as follows.
- (2) After section 17 insert—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Children (Care and Justice) (Scotland) Act 2024, Cross Heading: Local authority duties in relation to detained children is up to date with all changes known to be in force on or before 22 June 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

“17A Detained children to be treated as looked after children

- (1) This section applies where a child is detained in secure accommodation by virtue of section 51(1)(a), 205(2), 208(1) or, as the case may be, 216(7) of the Criminal Procedure (Scotland) Act 1995.
 - (2) The relevant local authority in relation to the child has the same duties towards the child as it would have by virtue of sections 17, 29, 30 and 31 if the child were looked after by that local authority.
 - (3) In subsection (2), the “relevant local authority”, in relation to a child, has the same meaning as in section 201 of the Children’s Hearings (Scotland) Act 2011.”
- (3) The Children and Young People (Scotland) Act 2014 is amended as follows.
- (4) In section 97 (interpretation), in subsection (2), for “section 17(6)” substitute “sections 17(6) and 17A(2)”.

Commencement Information

I2 S. 24 not in force at Royal Assent, see **s. 38(3)**

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

Children (Care and Justice) (Scotland) Act 2024, Cross Heading: Local authority duties in relation to detained children is up to date with all changes known to be in force on or before 22 June 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act power to modify conferred by 1995 c. 36, s. 33A (as inserted) by [2024 asp 5 s. 30\(2\)](#)
- Act power to modify conferred by 2010 asp 8, s. 190(2A) (as substituted) by [2024 asp 5 s. 29\(2\)\(b\)](#)