



Social Work (Scotland) Act 1968

1968 CHAPTER 49

PART V

RETURN AND REMOVAL OF CHILDREN WITHIN UNITED KINGDOM

Absence without leave

69 Abscondment from a place of safety, or from the control of a person imposed by a supervision requirement.

(1) If a child—

- (a) absconds from a place of safety in which he has been detained by virtue of this Act, or
- (b) absconds from the control of a person under which he has been placed by a supervision requirement or by virtue of rules made by the Secretary of State under section 45 of this Act,

he may be arrested without a warrant in any part of the United Kingdom or the Channel Islands [F1; and a court, if satisfied that there are reasonable grounds for believing that the child is within any premises, may grant a search warrant authorising a constable to search those premises for the child.]

(2) A child arrested in pursuance of this section shall be brought back—

- (a) in a case falling within paragraph (a) of subsection (1), to the place of safety,
- (b) in a case falling within paragraph (b) of that subsection, to the person under whose control he has been placed.

(3) If, in the case of a child required to be brought back in pursuance of the last foregoing subsection—

- (a) the occupier of the place of safety, or
- (b) the person under whose control he has been placed,

is unwilling or unable to receive him, the child shall be detained in a place of safety until the reporter has considered, in pursuance of section 37 of this Act, whether the child may be in need of compulsory measures of care, or as the case may be, until he

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can be brought before a children’s hearing for the consideration of his case or for a review of the supervision requirement to which he is subject.

- (4) A children’s hearing arranged for the purposes of the last foregoing subsection shall meet within a period of seven days from the date of the commencement of the detention of the child, and no child shall be detained under that subsection after the hearing have met or beyond that period.

[^{F2}(5) In this and the next following section any reference—

- (a) to a child absconding includes a reference to his being unlawfully taken away;
- (b) to a child absconding from a place or from the control of a person includes a reference to his absconding while being taken to, or awaiting being taken to, that place or that person as the case may be.]

Textual Amendments

F1 Words added by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), [Sch. 3 para. 58\(a\)](#)

F2 [S. 69\(5\)](#) substituted by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), [Sch. 3 para. 58\(b\)](#)

70 Abscondment from residential establishments.

If a child who is required by a supervision requirement to reside in a residential establishment—

- (a) absconds from the establishment in which he resides; or
- (b) absconds from any hospital or other institution in which he is temporarily residing; or
- (c) being absent on leave from the residential establishment, either runs away from the person in whose charge he is or fails to return to the establishment at the end of his leave;

he may be arrested without a warrant in any part of the United Kingdom or the Channel Islands and brought back—

- (i) in a case falling within paragraph (b) to the place from which he absconded; or
- (ii) where he has run away from the person mentioned in paragraph (c), to that person; or
- (iii) in any case, to the residential establishment [^{F3}; and a court, if satisfied that there are reasonable grounds for believing that the child is within any premises, may grant a search warrant authorising a constable to search those premises for the child.]

Textual Amendments

F3 Words added by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), [Sch. 3 para. 59](#)

71 Harboursing.

Any person who knowingly—

- (a) assists or induces or persistently attempts to induce a child so to act as to be liable to be brought back in pursuance of either of the two last foregoing sections, or

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(b) harbours or conceals a child so liable or prevents him from returning to a place or person mentioned in either of those sections,
shall be liable on summary conviction to a fine not exceeding [^{F4}level 5 on the standard scale] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

Textual Amendments

F4 Words substituted by Children Act 1975 (c. 72, SIF 49:9, 10), **Sch. 3 para. 60** and by virtue of (E.W.) Criminal Justice Act 1982 (c.48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G** (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**)

Modifications etc. (not altering text)

C1 S. 71 excluded (E.W.) (14.10 1991) by Children Act 1989 (c. 41, SIF 20), **ss. 51(5)(6)(7)(b)**, 108(2); S.I.1991/828, **art.3(2)**

C2 S. 71 restricted (N.I.) (4.11.1996) by S.I. 1995/755 (N.I. 2), **art. 70(6)(7)(c)**; S.R. 1996/297, **art. 2(2)**

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