



Social Work (Scotland) Act 1968

1968 CHAPTER 49

[^{F1}PART III

CHILDREN IN NEED OF COMPULSORY MEASURES OF CARE]

[^{F1}37 **Reports of cases of children who may require compulsory measures of care and the interim detention of such children in places of safety.**

- (1) Where any person has reasonable cause to believe that a child may be in need of compulsory measures of care he may give to the [^{F2}Principal Reporter]] such information about the child as he may have been able to discover.
- [^{F3}(1A) Where a local authority receive information suggesting that a child may be in need of compulsory measures of care, they shall—
- (a) cause enquiries to be made into the case unless they are satisfied that such enquiries are unnecessary; and
 - (b) if it appears to them that the child may be in need of compulsory measures of care, give to the [^{F2}Principal Reporter] such information about the child as they may have been able to discover.]
- [^{F4}(2) A constable or any person authorised by any court or by any justice of the peace may take to a place of safety any child—
- (a) in respect of whom any of the offences mentioned in Schedule 1 to the ^{M1}Criminal Procedure (Scotland) Act 1975 has been or is believed to have been committed; or
 - (b) who is a member of the same household as a child in respect of whom such an offence has been or is believed to have been committed; or
 - (c) who is, or is likely to become, a member of the same household as a person who has committed or is believed to have committed such an offence; or
 - (d) in respect of whom an offence under section 21(1) of the Children and Young Persons (Scotland) Act 1937 has been or is believed to have been committed; or
- or

Status: Point in time view as at 12/12/1996. This version of this provision has been superseded.

Changes to legislation: Social Work (Scotland) Act 1968, Section 37 is up to date with all changes known to be in force on or before 30 July 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)

- (e) who is likely to be caused unnecessary suffering or serious impairment of health because there is, or is believed to be, in respect of the child a lack of parental care,
- and any child so taken to a place of safety or any child who has taken refuge in a place of safety may be detained there until arrangements can be made for him to be brought before a children’s hearing under the following provisions of this Part of this Act; and, where a child is so detained, the constable or the person authorised as aforesaid or the occupier of the place of safety shall forthwith inform the [F2Principal Reporter] of the case.]
- (3) A child shall not continue to be detained under the last foregoing subsection—
- (a) where the [F2Principal Reporter] considers the child does not require compulsory measures of care, or
 - (b) after the day on which a children’s hearing first sit to consider his case in pursuance of the next following subsection, or
 - (c) for a period exceeding seven days.
- (4) Where a child has been detained in a place of safety under subsection (2) of this section or under [F5section 14(1), 296(3) or 323(1) of the said Act of 1975], and the [F2Principal Reporter] considers that the child may be in need of compulsory measures of care, he shall, wherever practicable, arrange a children’s hearing to sit not later than in the course of the first lawful day after the commencement of the child’s detention to consider the case under this Part of this Act, and, if that hearing are unable to dispose of the case and are satisfied that his further detention is necessary in his own interest, or have reason to believe that he will run away during the investigation of his case, they may issue a warrant requiring the child to be detained in any place of safety for such a period not exceeding twenty-one days as may be necessary.
- (5) On cause shown a warrant authorising detention under the last foregoing subsection may be renewed [F6by a children’s hearing], on one occasion only, for the period mentioned in that subsection on the application of the [F2Principal Reporter].
- [F7(5A) Where a warrant has been renewed under subsection (5) of this section but it appears to the [F2Principal Reporter]—
- (a) that the children’s hearing will not be able to dispose of the child’s case before the expiry of the period of detention required by the warrant as renewed; and
 - (b) that further detention of the child is necessary in the child’s own interest,
- the [F2Principal Reporter] may apply to the sheriff for a warrant requiring the child to be detained in a place of safety for such a period not exceeding twenty-one days as may be necessary and the sheriff may issue such a warrant if he is satisfied that such detention is necessary in the child’s own interest.
- (5B) On cause shown a warrant authorising detention under subsection (5A)
- of this section may be renewed by the sheriff on one occasion only, for the period mentioned in that subsection on the application of the [F2Principal Reporter].]
- (6) In this section any reference to a justice of the peace includes a reference to a sheriff and to a magistrate.

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Textual Amendments

- F1** Pt. III (ss. 30-58G except s. 31(1)(3) and Sch. 2 amendments provided for in s. 31(3)) ceased to have effect (12.12.1996 for certain purposes and otherwise *prosp.*) by 1995 c. 36, s. 105(4)(5), **Sch. 4 para. 15(14)** (with s. 103(1)); S.I. 1996/3201, **art. 3(6)**
- F2** Words in s. 37(1)(1A)(b)(2)(3)(a)(4)(5)(5A)(5B) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 76(26)(27)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F3** S. 37(1A) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 83(a)**
- F4** S. 37(2) substituted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 83(b)**
- F5** Words substituted by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 461(1), **Sch. 9 para. 42**
- F6** Words inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 83(e)**
- F7** S. 37(5A)(5B) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 83(d)**
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Marginal Citations

- M1** 1975 c. 21.

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