

# **ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2 – Antisocial Behaviour Orders**

##### ***Section 12 – Sheriff’s power to refer case to children’s hearing***

42. Where an antisocial behaviour order or interim order is granted against a person aged 12 to 15 years, section 12 introduces a power for the sheriff to require the Principal Reporter to refer the case to a children’s hearing.
43. Subsections (3) to (5) make consequential amendments to the Children (Scotland) Act 1995. The effect of these amendments is that where the sheriff exercises the power to require the Principal Reporter to refer the case to the children’s hearing that referral shall be treated as a ground for considering whether the child needs to be placed under compulsory measures of supervision. In such cases the Principal Reporter is required to arrange a children’s hearing. Where a child is already subject to a supervision requirement the decision of the sheriff to require a children’s hearing to be arranged will have the effect of requiring the Principal Reporter to set up a children’s hearing to review existing supervision requirements.