



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 11 **S**

SUBSEQUENT CHILDREN'S HEARINGS

119 Children's hearing following deferral or proceedings under Part 10 **S**

- (1) This section applies where a children's hearing is arranged by the Principal Reporter by virtue of section 91(2), 107(3), 108, 115(2) or 117(2)(b) or subsection (2).
- (2) If the children's hearing considers that it is appropriate to do so, the children's hearing may defer making a decision on whether to make a compulsory supervision order until a subsequent children's hearing.
- (3) If the children's hearing does not exercise the power conferred by subsection (2) the children's hearing must—
 - (a) if satisfied that it is necessary to do so for the protection, guidance, treatment or control of the child, make a compulsory supervision order, or
 - (b) if not so satisfied, discharge the referral.

[^{F1}(3A) In deciding whether to exercise the power conferred by subsection (2), the children's hearing must consider whether to require the Principal Reporter to obtain any report, from any person, which the children's hearing considers relevant to any matter to be determined by the subsequent children's hearing.]

- (4) Subsection (5) applies where—
 - (a) the child is excused by virtue of section 73(3) or 79(3)(a) or rules under section 177, or
 - (b) a relevant person in relation to the child is excused by virtue of section 74(3) or 79(3)(b) or rules under section 177.
- (5) The children's hearing may, despite the excusal, defer its decision to a subsequent children's hearing under this section without further excusing the person.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Part 11 is up to date with all changes known to be in force on or before 10 August 2023. 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

Textual Amendments

- F1** S. 119(3A) inserted (17.12.2021) by [Age of Criminal Responsibility \(Scotland\) Act 2019 \(asp 7\)](#), [ss. 77\(3\)](#), [84\(2\)](#); [S.S.I. 2021/449](#), [reg. 2](#)

Commencement Information

- I1** S. 119 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

120 Powers of children's hearing on deferral under section 119 **S**

- (1) This section applies where under subsection (2) of section 119 a children's hearing defers making a decision in relation to a child until a subsequent children's hearing under that section.
- (2) Subsection (3) applies if immediately before the children's hearing which takes place under section 119 an interim compulsory supervision order was not in force in relation to the child.
- (3) If the children's hearing considers that the nature of the child's circumstances is such that for the protection, guidance, treatment or control of the child it is necessary as a matter of urgency to make an interim compulsory supervision order, the children's hearing may make an interim compulsory supervision order in relation to the child.
- (4) Subsection (5) applies if immediately before the children's hearing which takes place under section 119 an interim compulsory supervision order was in force in relation to the child.
- (5) If the children's hearing is satisfied that the nature of the child's circumstances is such that for the protection, guidance, treatment or control of the child it is necessary that a further interim compulsory supervision order be made, the children's hearing may make a further interim compulsory supervision order in relation to the child.
- (6) If the children's hearing considers that it is necessary to do so for the purpose of obtaining any further information, or carrying out any further investigation, that is needed before the subsequent children's hearing, the hearing may make a medical examination order.

Commencement Information

- I2** S. 120 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

Changes to legislation:

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)