



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 3

GENERAL CONSIDERATIONS

31 Sheriff: duty to consider appointing safeguarder

- (1) This section applies where—
 - (a) proceedings are being taken before the sheriff under Part 10 or 15 in relation to a child, and
 - (b) a safeguarder has not been appointed for the child in relation to proceedings under those Parts.
- (2) The sheriff must consider whether to appoint a safeguarder for the child.
- (3) The sheriff may appoint a safeguarder for the child.
- (4) A safeguarder appointed under this section is to be treated for the purposes of this Act (other than this section ^{F1}and section 33]) as having been appointed by a children's hearing by virtue of section 30.
- (5) An appointment under subsection (3) must be recorded.
- (6) If the sheriff appoints a safeguarder, the sheriff must give reasons for the decision.

Textual Amendments

- F1** Words in s. 31(4) inserted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, [Sch. 1 para. 20\(6\)](#)

Commencement Information

- I1** S. 31 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

Changes to legislation:

Children's Hearings (Scotland) Act 2011, Section 31 is up to date with all changes known to be in force on or before 27 May 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.

[View outstanding changes](#)

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\(5\)\(b\)](#)