



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 5 **S**

#### CHILD ASSESSMENT AND CHILD PROTECTION ORDERS

##### *Consideration of application by sheriff*

### **39**      **Consideration by sheriff: application by local authority or other person** **S**

- (1) This section applies where an application for a child protection order in respect of a child is made by a local authority or other person.
- (2) The sheriff may make the order if the sheriff is satisfied that—
  - (a) there are reasonable grounds to believe that—
    - (i) the child has been or is being treated in such a way that the child is suffering or is likely to suffer significant harm,
    - (ii) the child has been or is being neglected and as a result of the neglect the child is suffering or is likely to suffer significant harm,
    - (iii) the child is likely to suffer significant harm if the child is not removed to and kept in a place of safety, or
    - (iv) the child is likely to suffer significant harm if the child does not remain in the place at which the child is staying (whether or not the child is resident there), and
  - (b) the order is necessary to protect the child from that harm or from further harm.

#### **Commencement Information**

**II**    S. 39 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 39 is up to date with all changes known to be in force on or before 13 September 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\(5\)\(b\)](#)