



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 6

#### INVESTIGATION AND REFERRAL TO CHILDREN'S HEARING

##### *Provision of information to Principal Reporter*

#### **60 Local authority's duty to provide information to Principal Reporter**

- (1) If a local authority considers that it is likely that subsection (2) applies in relation to a child in its area, it must make all necessary inquiries into the child's circumstances.
- (2) This subsection applies where the local authority considers—
  - (a) that the child is in need of protection, guidance, treatment or control, and
  - (b) that it might be necessary for a compulsory supervision order to be made in relation to the child.
- (3) Where subsection (2) applies in relation to a child the local authority must give any information that it has about the child to the Principal Reporter.

#### **61 Constable's duty to provide information to Principal Reporter**

- (1) This section applies where a constable considers—
  - (a) that a child is in need of protection, guidance, treatment or control, and
  - (b) that it might be necessary for a compulsory supervision order to be made in relation to the child.
- (2) The constable must give the Principal Reporter all relevant information which the constable has been able to discover in relation to the child.
- (3) If the constable makes a report under section 17(1)(b) of the Police (Scotland) Act 1967 (c.77) in relation to the child, the constable must also make the report to the Principal Reporter.

## **62 Provision of information by court**

- (1) This section applies where, in the course of relevant proceedings, a court considers that a section 67 ground (other than the ground mentioned in section 67(2)(j)) might apply in relation to a child.
- (2) The court may refer the matter to the Principal Reporter.
- (3) If the court refers the matter under subsection (2) it must give the Principal Reporter a section 62 statement.
- (4) A section 62 statement is a statement—
  - (a) specifying which of the section 67 grounds the court considers might apply in relation to the child,
  - (b) setting out the reasons why the court considers that the ground might apply, and
  - (c) setting out any other information about the child which appears to the court to be relevant.
- (5) In this section “relevant proceedings” means—
  - (a) an action for divorce,
  - (b) an action for separation,
  - (c) an action for declarator of marriage,
  - (d) an action for declarator of nullity of marriage,
  - (e) an action for dissolution of a civil partnership,
  - (f) an action for separation of civil partners,
  - (g) an action for declarator of nullity of a civil partnership,
  - (h) an action for declarator of parentage,
  - (i) an action for declarator of non-parentage,
  - (j) proceedings relating to parental responsibilities or parental rights,
  - (k) an application for an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4)),
  - (l) an application for the making, variation or revocation of a permanence order (as defined in section 80(2) of the Adoption and Children (Scotland) Act 2007) in respect of a child who is not subject to a compulsory supervision order, or
  - (m) proceedings relating to an offence under any of the following sections of the Education (Scotland) Act 1980 (c.44)—
    - (i) section 35 (failure by parent to secure regular attendance by child at a public school),
    - (ii) section 41 (failure to comply with attendance order),
    - (iii) section 42(3) (failure to permit examination of child).

## **63 Provision of evidence from certain criminal cases**

- (1) The Lord Advocate may direct that in any specified case or class of case evidence lawfully obtained in the investigation of a crime or suspected crime must be given to the Principal Reporter.
- (2) The evidence must in that case, or in a case of that class, be given to the Principal Reporter even if the Principal Reporter has not made a request under section 172.

#### **64 Provision of information by other persons**

- (1) This section applies where a person considers—
  - (a) that a child is in need of protection, guidance, treatment or control, and
  - (b) that it might be necessary for a compulsory supervision order to be made in relation to the child.
- (2) The person may give the Principal Reporter all relevant information which the person has in relation to the child.

#### **65 Provision of information by constable: child in place of safety**

- (1) Subsection (2) applies where a constable informs the Principal Reporter under subsection (5) of section 43 of the Criminal Procedure (Scotland) Act 1995 (c.46) that—
  - (a) a child is being kept in a place of safety under subsection (4) of that section, and
  - (b) it has been decided not to proceed with the charge against the child.
- (2) The Principal Reporter may direct—
  - (a) that the child be released from the place of safety, or
  - (b) that the child continue to be kept in the place of safety until the Principal Reporter makes a determination under section 66(2).