Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 10

PROCEEDINGS BEFORE SHERIFF

Application to establish grounds

102   Jurisdiction and standard of proof: offence ground

(1) This section applies where an application is to be made to the sheriff to determine whether the ground mentioned in section 67(2)(j) is established in relation to a child.

(2) The application must be made to the sheriff who would have jurisdiction if the child were being prosecuted for the offence or offences.

(3) The standard of proof in relation to the ground is that which applies in criminal proceedings.

(4) It is immaterial whether the application also relates to other section 67 grounds.

Commencement Information

I1   S. 102 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 102 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)