



Criminal Procedure (Scotland) Act 1975

1975 CHAPTER 21

PROCEDURE PRIOR TO TRIAL

Procedure at trial involving children

173 Reference and remit of children's cases by courts to children's hearings.

- (1) Where a child who is not subject to a supervision requirement is charged with an offence and pleads guilty to, or is found guilty of, that offence the court—
 - (a) instead of making an order on that plea or finding, may remit the case to the [F¹Principal Reporter] to arrange for the disposal of the case by a children's hearing; or
 - (b) on that plea or finding may request the [F¹Principal Reporter] to arrange a children's hearing for the purposes of obtaining their advice as to the treatment of the child.
- (2) Where a court has acted in pursuance of paragraph (b) of the foregoing subsection, the court, after consideration of the advice received from the children's hearing may, as it thinks proper, itself dispose of the case or remit the case as aforesaid.
- (3) Where a child who is subject to a supervision requirement is charged with an offence and pleads guilty to, or is found guilty of, that offence the court [F²dealing with the case if it is—
 - (a) the High Court, may; and
 - (b) the sheriff court, shall,request] the [F¹Principal Reporter] to arrange a children's hearing for the purpose of obtaining their advice as to the treatment of the child, and on consideration of that advice may, as it thinks proper, itself dispose of the case or remit the case as aforesaid.
- (4) Where a court has remitted a case to the [F³Principal Reporter] under this section, the jurisdiction of the court in respect of the child shall cease, and his case shall stand referred to a children's hearing.
- (5) Nothing in the provisions of this section shall apply to a case in respect of an offence the sentence for which is fixed by law.

Changes to legislation: *Criminal Procedure (Scotland) Act 1975, Section 173 is up to date with all changes known to be in force on or before 23 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. (See end of Document for details) View outstanding changes*

Textual Amendments

- F1** Words in s. 173(1)(a)(b)(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 97(2)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(b)(c)**
- F2** Words substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), Sch. 6 para. 1, **Sch. 7 para. 35**
- F3** Words in s. 173(4) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 97(8)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(b)(c)**

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Changes and effects yet to be applied to :

- s. 173(1)-(3) replaced (by subs.(1)-(3)(3A)) (prosp.) by [1995 c. 36 s. 49\(1\)](#)

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

- Act certain function transferred. by [1994 c. 39 s. 127\(1\)128](#)

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

- s. 168(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(6\)\(b\)](#)
- s. 364(c)(ii) amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(14\)\(b\)](#)
- s. 413(3) (defn.of "the appropriate local authority") para. (a)(b) amended by [1994 c. 39 Sch. 13 para. 97\(5\)](#)
- s. 413(3) (defns. of "care" and "the 1968 Act") repealed (prosp.) by [1995 c. 36 s. 105\(4\)\(5\)Sch. 4 para. 24\(17\)\(b\)\(i\)Sch. 5](#)
- s. 462 (defns. of "child" "children's hearing" "place of safety" "residential establishment" and "supervision requirement") amended (prosp.) by [1995 c. 36 s. 105\(4\)Sch. 4 para. 24\(18\)](#)
- s. 462 (defns. of "crime" and "prosecutor") applied (prosp.) by [1995 c. 36 s. 53\(7\)](#)