



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 2

ANTISOCIAL BEHAVIOUR ORDERS

Orders in respect of children

12 Sheriff's power to refer case to children's hearing

[^{F1}(1) This section applies where—

- (a) the sheriff makes an antisocial behaviour order or an interim order in respect of a child, and
- (b) the sheriff considers that a section 67 ground (other than the ground mentioned in section 67(2)(j)) applies in relation to the child.

(1A) The sheriff may require the Principal Reporter to arrange a children's hearing.

(1B) The sheriff must give the Principal Reporter a section 12 statement if—

- (a) the sheriff makes a requirement under subsection (1A), and
- (b) a compulsory supervision order is not in force in relation to the child.

(1C) A section 12 statement is a statement—

- (a) specifying which of the section 67 grounds the sheriff considers applies in relation to the child,
- (b) setting out the reasons why the sheriff considers the ground applies, and
- (c) setting out any other information about the child which appears to the sheriff to be relevant.

(1D) In this section—

“compulsory supervision order” has the meaning given by section 83 of the Children's Hearings (Scotland) Act 2011,

“section 67 ground” means a ground mentioned in section 67(2) of that Act.]

[^{F2}(2)

Changes to legislation: *Antisocial Behaviour etc. (Scotland) Act 2004, Section 12 is up to date with all changes known to be in force on or before 18 April 2024. 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*

F2(3)

F2(4)

F2(5)

Textual Amendments

- F1** S. 12(1)-(1D) substituted for s. 12(1) (24.6.2013) by [Childrens Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), **sch. 5 para. 3** (with s. 186) (with savings and transitional provisions in S.S.I. 2013/150, art. 5); S.S.I. 2013/195, arts. 2, 3
- F2** S. 12(2)-(5) repealed (24.6.2013) by [Childrens Hearings \(Scotland\) Act 2011 \(asp 1\)](#), s. 206(2), **sch. 6** (with s. 186); S.S.I. 2013/195, arts. 2, 3

Modifications etc. (not altering text)

- C1** S. 12(1)-(1D) savings for effects of 2011 asp 1 sch. 5 para. 3 (24.6.2013) by [The Children s Hearings \(Scotland\) Act 2011 \(Transitional, Savings and Supplementary Provisions\) Order 2013 \(S.S.I. 2013/150\)](#), arts. 1(1), **5** (with art. 4(2)); S.S.I. 2013/195

Changes to legislation:

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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):

- s. 85B inserted by [2014 asp 14 s. 21\(1\)](#)