



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 10

#### PROCEEDINGS BEFORE SHERIFF

##### *Determination of application*

#### **108 Determination: ground established**

- (1) This section applies where the sheriff determines an application made by virtue of section 93(2)(a) or 94(2)(a).
- (2) If subsection (4) applies, the sheriff must direct the Principal Reporter to arrange a children's hearing to decide whether to make a compulsory supervision order in relation to the child.
- (3) In any other case, the sheriff must—
  - (a) dismiss the application, and
  - (b) discharge the referral to the children's hearing.
- (4) This subsection applies if—
  - (a) the sheriff determines that one or more grounds to which the application relates are established, or
  - (b) one or more other grounds were accepted at the grounds hearing which directed the Principal Reporter to make the application.
- (5) In subsection (4)(b), "accepted" means accepted by the child and (subject to sections 74 and 75) each relevant person in relation to the child.

#### **109 Determination: power to make interim compulsory supervision order etc.**

- (1) This section applies where the sheriff directs the Principal Reporter to arrange a children's hearing to decide whether to make a compulsory supervision order in relation to the child.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Subsection (3) applies if immediately before the hearing at which the sheriff determined the application made by virtue of section 93(2)(a) or 94(2)(a) an interim compulsory supervision order was not in force in relation to the child.
- (3) If the sheriff is satisfied that the nature of the child's circumstances is such that for the protection, guidance, treatment or control of the child it is necessary as a matter of urgency that an interim compulsory supervision order be made, the sheriff may make an interim compulsory supervision order in relation to the child.
- (4) Subsection (5) applies if immediately before the hearing at which the sheriff determined the application made by virtue of section 93(2)(a) or 94(2)(a) an interim compulsory supervision order was in force in relation to the child.
- (5) If the sheriff is satisfied that the nature of the child's circumstances is such that for the protection, guidance, treatment or control of the child it is necessary that a further interim compulsory supervision order be made, the sheriff may make a further interim compulsory supervision order in relation to the child.
- (6) If the sheriff is satisfied that there is reason to believe that the child would not otherwise attend the children's hearing, the sheriff may grant a warrant to secure attendance.
- (7) If the sheriff makes an interim compulsory supervision order under subsection (3) or (5) specifying that the child is to reside at a place of safety, the children's hearing must be arranged to take place no later than the third day after the day on which the child begins to reside at the place of safety.