

SCHEDULE 5
MINOR AND CONSEQUENTIAL AMENDMENTS

Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)

3 In section 12 of the Antisocial Behaviour etc. (Scotland) Act 2004 (sheriff's power to refer child to children's hearing where antisocial behaviour order made etc.), for subsection (1) substitute—

“(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.”.