



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 10

PROCEEDINGS BEFORE SHERIFF

Determination of application

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.
- (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

Status: Point in time view as at 07/04/2020. This version of this provision has been superseded.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 109 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. (See end of Document for details)

be arranged to take place no later than the [^{F1}seventh day] after the day on which the child begins to reside at the place of safety.

Textual Amendments

- F1** Words in s. 109(7) substituted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 3 para. 5\(2\)](#) (with [ss. 11-13](#), [sch. 3 para. 5\(4\)\(5\)](#)) (which affecting provision expires (30.9.2021 at the end of the day) by virtue of [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), [ss. 2\(1\)\(3\)](#), [11\(2\)](#))

Commencement Information

- I1** S. 109 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

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