



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 17

PROCEEDINGS UNDER PART 10: EVIDENCE

172 Use of evidence obtained from prosecutor

- (1) This section applies where an application is made to the sheriff—
 - (a) to determine whether a section 67 ground is established, or
 - (b) to review a grounds determination.
- (2) The Principal Reporter may request a prosecutor to give the Principal Reporter evidence held by the prosecutor in connection with the investigation of a crime or suspected crime if the Principal Reporter considers that the evidence might assist the sheriff in determining the application.
- (3) The request may relate only to evidence lawfully obtained in the course of the investigation.
- (4) The prosecutor may refuse to comply with the request if the prosecutor reasonably believes that it is necessary to retain the evidence for the purposes of any proceedings in respect of a crime (whether or not the proceedings have already commenced).