Children's Hearings (Scotland) Act 2011
2011 asp 1

PART 5

CHILD ASSESSMENT AND CHILD PROTECTION ORDERS

Child assessment orders

36   Consideration by sheriff

(1) This section applies where an application for a child assessment order in respect of a child is made by a local authority.

(2) The sheriff may make the order if the sheriff is satisfied that—
  (a)   the local authority has reasonable cause to suspect—
      (i) that the child has been or is being treated in such a way that the child is suffering or is likely to suffer significant harm, or
      (ii) that the child has been or is being neglected and as a result of the neglect the child is suffering or is likely to suffer significant harm,
  (b)   an assessment of the kind mentioned in section 35(2) is necessary in order to establish whether there is reasonable cause to believe that the child has been or is being so treated or neglected, and
  (c)   it is unlikely that the assessment could be carried out, or carried out satisfactorily, unless the order was made.

(3) The sheriff may, instead of making a child assessment order, make a child protection order if the sheriff considers the conditions in section 38(2) are satisfied.

Commencement Information
I1   S. 36 in force at 24.6.2013 by S.S.I. 2013/195, **arts. 2**, 3

Changes to legislation:
Children's Hearings (Scotland) Act 2011, Section 36 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. View outstanding changes

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):

– Pt. 17A inserted by 2020 asp 16 s. 6(2)
– s. 25(3) inserted by 2020 asp 16 s. 30(7)
– s. 27(3)-(4A) substituted for s. 27(3)(4) by 2020 asp 16 s. 3(2)
– s. 62(5)(q)-(u) inserted by 2020 asp 9 s. 8(2)(b)
– s. 163(2)-(2B) substituted for s. 163(2) by 2020 asp 16 s. 27(3)(b)
– s. 164(2)-(2B) substituted for s. 164(2) by 2020 asp 16 s. 27(4)(b)
– s. 165(2)-(2B) substituted for s. 165(2) by 2020 asp 16 s. 27(5)(b)