



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 6

INVESTIGATION AND REFERRAL TO CHILDREN'S HEARING

Investigation and determination by Principal Reporter

67 Meaning of “section 67 ground”

- (1) In this Act “section 67 ground”, in relation to a child, means any of the grounds mentioned in subsection (2).
- (2) The grounds are that—
 - (a) the child is likely to suffer unnecessarily, or the health or development of the child is likely to be seriously impaired, due to a lack of parental care,
 - (b) a schedule 1 offence has been committed in respect of the child,
 - (c) the child has, or is likely to have, a close connection with a person who has committed a schedule 1 offence,
 - (d) the child is, or is likely to become, a member of the same household as a child in respect of whom a schedule 1 offence has been committed,
 - (e) the child is being, or is likely to be, exposed to persons whose conduct is (or has been) such that it is likely that—
 - (i) the child will be abused or harmed, or
 - (ii) the child's health, safety or development will be seriously adversely affected,
 - (f) the child has, or is likely to have, a close connection with a person who has carried out domestic abuse,
 - (g) the child has, or is likely to have, a close connection with a person who has committed an offence under Part 1, 4 or 5 of the Sexual Offences (Scotland) Act 2009 (asp 9),
 - (h) the child is being provided with accommodation by a local authority under section 25 of the 1995 Act and special measures are needed to support the child,
 - (i) a permanence order is in force in respect of the child and special measures are needed to support the child,

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 67 is up to date with all changes known to be in force on or before 25 April 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) View outstanding changes

- (j) the child has committed an offence,
 - (k) the child has misused alcohol,
 - (l) the child has misused a drug (whether or not a controlled drug),
 - (m) the child's conduct has had, or is likely to have, a serious adverse effect on the health, safety or development of the child or another person,
 - (n) the child is beyond the control of a relevant person,
 - (o) the child has failed without reasonable excuse to attend regularly at school,
 - (p) the child—
 - (i) [^{F1}has been, is being], or is likely to be, subjected to physical, emotional or other pressure to enter into a ^{F2}... civil partnership, or
 - (ii) is, or is likely to become, a member of the same household as such a child.
 - [^{F3}(q) the child—
 - (i) has been, is being or is likely to be forced into a marriage (that expression being construed in accordance with section 1 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (asp 15)) or,
 - (ii) is, or is likely to become, a member of the same household as such a child.]
- (3) For the purposes of paragraphs (c), (f) and (g) of subsection (2), a child is to be taken to have a close connection with a person if—
- (a) the child is a member of the same household as the person, or
 - (b) the child is not a member of the same household as the person but the child has significant contact with the person.
- (4) The Scottish Ministers may by order—
- (a) amend subsection (2) by—
 - (i) adding a ground,
 - (ii) removing a ground for the time being mentioned in it, or
 - (iii) amending a ground for the time being mentioned in it, and
 - (b) make such other amendments of this section as appear to the Scottish Ministers to be necessary or expedient in consequence of provision made under paragraph (a).
- (5) An order under subsection (4) is subject to the affirmative procedure.
- (6) In this section—
- “controlled drug” means a controlled drug as defined in section 2(1)(a) of the Misuse of Drugs Act 1971 (c.38),
 - “permanence order” has the meaning given by section 80(2) of the Adoption and Children (Scotland) Act 2007 (asp 4),
 - “schedule 1 offence” means an offence mentioned in Schedule 1 to the Criminal Procedure (Scotland) Act 1995 (c.46) (offences against children under 17 years of age to which special provisions apply).

Textual Amendments

- F1** Words in s. 67(2)(p)(i) substituted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **Sch. 1 para. 20(8)**

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- F2** Words in s. 67(2)(p)(i) repealed (28.11.2011) by [Forced Marriage etc. \(Protection and Jurisdiction\) \(Scotland\) Act 2011 \(asp 15\)](#), **ss. 13(3)(a)**, 19(2) (with s. 18); S.S.I. 2011/352, art. 2
- F3** S. 67(2)(q) inserted (28.11.2011) by [Forced Marriage etc. \(Protection and Jurisdiction\) \(Scotland\) Act 2011 \(asp 15\)](#), **ss. 13(3)(b)**, 19(2) (with s. 18); S.S.I. 2011/352, art. 2
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Commencement Information

- I1** S. 67 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

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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\(5\)\(b\)](#)