



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 6

#### INVESTIGATION AND REFERRAL TO CHILDREN'S HEARING

##### *Investigation and determination by Principal Reporter*

#### **68 Determination under section 66: no referral to children's hearing**

- (1) This section applies where, having made a determination under section 66(2) in relation to a child, the Principal Reporter considers that—
    - (a) none of the section 67 grounds applies in relation to the child, or
    - (b) it is not necessary for a compulsory supervision order to be made in respect of the child.
  - (2) If the child is being kept in a place of safety under section 65(2)(b) the Principal Reporter must direct that the child be released from the place of safety.
  - (3) The Principal Reporter—
    - (a) must inform the persons mentioned in subsection (4) of the determination and the fact that the question of whether a compulsory supervision order should be made in respect of the child will not be referred to a children's hearing, and
    - (b) may, if the Principal Reporter considers it appropriate, inform any other person of the determination and that fact.
- [<sup>F1</sup>(3A) The Principal Reporter may not, under subsection (3)(b), provide information to a person who is entitled to request that information under section 179A(3).]
- (4) Those persons are—
    - (a) the child,
    - (b) each relevant person in relation to the child,
    - (c) the relevant local authority for the child,
    - (d) any person specified in a child protection order in force in relation to the child under section 37(2)(a),
    - (e) any person who has given the Principal Reporter—
      - (i) notice under section 43 of a child protection order,

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*Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 68 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) View outstanding changes*

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- (ii) information under section 60, 61, 64 or 66,
  - (iii) a report under section 61 or 66,
  - (iv) a section 62 statement,
  - (v) evidence under section 63, or
  - (vi) information under [<sup>F2</sup>section 53 of the Criminal Justice (Scotland) Act 2016] .
- (5) The Principal Reporter may refer the child to—
- (a) the relevant local authority for the child with a view to the authority providing (or making arrangements for the provision by another person or body of) advice, guidance and assistance to the child and the child's family in accordance with Chapter 1 of Part 2 of the 1995 Act (support for children and their families),
  - (b) such other person or body as may be specified by the Scottish Ministers by order for the purposes of this subsection, with a view to that person or body providing advice, guidance and assistance to the child and the child's family.
- (6) After complying with the requirements imposed by subsection (3)(a), the Principal Reporter must not refer the question of whether a compulsory supervision order should be made in respect of the child to a children's hearing unless the Principal Reporter receives new information about the child.

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#### **Textual Amendments**

- F1** S. 68(3A) inserted (29.11.2019) by [Age of Criminal Responsibility \(Scotland\) Act 2019 \(asp 7\)](#), **ss. 27(2)**, 84(2); S.S.I. 2019/349, reg. 2(b)
- F2** Words in s. 68(4)(e)(vi) substituted (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), s. 117(2), **sch. 2 para. 40(c)**; S.S.I. 2017/345, art. 3, sch. (with art. 4)
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#### **Commencement Information**

- I1** S. 68 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

**Changes to legislation:**

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