



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 9

CHILDREN'S HEARING

Grounds hearing

90 Grounds to be put to child and relevant person

(1) At the opening of a children's hearing arranged by virtue of section 69(2) or 95(2) (the “grounds hearing”) the chairing member must—

- [^{F1}(a) explain to the child and each relevant person in relation to the child—
- (i) each section 67 ground specified in the statement of grounds, and
 - (ii) the supporting facts in relation to that ground,]
- (b) ask them whether they accept that each ground applies in relation to the child.

[^{F2}(1A) In relation to each ground that a person accepts applies in relation to the child, the chairing member must ask the person whether the person accepts each of the supporting facts.

(1B) Where under subsection (1A) any person does not accept all of the supporting facts in relation to a ground, the ground is taken for the purposes of this Act to be accepted at the grounds hearing only if the grounds hearing considers that—

- (a) the person has accepted sufficient of the supporting facts to support the conclusion that the ground applies in relation to the child, and
- (b) it is appropriate to proceed in relation to the ground on the basis of only those supporting facts which are accepted by the child and each relevant person.

(1C) Where a ground is taken to be accepted for the purposes of this Act by virtue of subsection (1B), the grounds hearing must amend the statement of grounds to delete any supporting facts in relation to the ground which are not accepted by the child and each relevant person.

(1D) In this section, “supporting facts”, in relation to a section 67 ground, means facts set out in relation to the ground by virtue of section 89(3)(b).]

(2) This section is subject to section 94.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 90 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](#)

Textual Amendments

- F1** S. 90(1)(a) substituted (26.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **ss. 85(a)**, 102(3); [S.S.I. 2014/353](#), art. 2(2)(3), Sch.
- F2** S. 90(1A)-(1D) inserted (26.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **ss. 85(b)**, 102(3); [S.S.I. 2014/353](#), art. 2(2)(3), Sch.
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Commencement Information

- I1** S. 90 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\(5\)\(b\)](#)