



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 9

#### CHILDREN'S HEARING

##### *Grounds hearing*

#### **91 Grounds accepted: powers of grounds hearing**

- (1) This section applies where—
  - (a) each ground specified in the statement of grounds is accepted, or
  - (b) at least one of the grounds specified in the statement of grounds is accepted and the grounds hearing considers that it is appropriate to make a decision on whether to make a compulsory supervision order on the basis of the ground or grounds that have been accepted.
- (2) If the grounds hearing considers that it is appropriate to do so, the grounds hearing may defer making a decision on whether to make a compulsory supervision order until a subsequent children's hearing.
- (3) If the grounds hearing does not exercise the power conferred by subsection (2) the grounds hearing must—
  - (a) if satisfied that it is necessary to do so for the protection, guidance, treatment or control of the child, make a compulsory supervision order, or
  - (b) if not so satisfied, discharge the referral.

[<sup>F1</sup>(3A) In deciding whether to exercise the power conferred by subsection (2), the grounds hearing must consider whether to require the Principal Reporter to obtain any report, from any person, which the grounds hearing considers relevant to any matter to be determined by the subsequent children's hearing.]

- (4) In subsection (1), “accepted” means accepted by the child and (subject to sections 74 and 75) each relevant person in relation to the child.

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**Changes to legislation:** Children's Hearings (Scotland) Act 2011, Section 91 is up to date with all changes known to be in force on or before 25 August 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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#### Textual Amendments

- F1** S. 91(3A) inserted (17.12.2021) by Age of Criminal Responsibility (Scotland) Act 2019 (asp 7), **ss. 77(2), 84(2)**; S.S.I. 2021/449, reg. 2
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#### Modifications etc. (not altering text)

- C1** S. 91 applied (with modifications) (24.6.2013) by The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 (S.S.I. 2013/194), arts. 1(1), **68(2)** (with art. 1(2))
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#### Commencement Information

- I1** S. 91 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\(5\)\(b\)](#)