



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 9

CHILDREN'S HEARING

Grounds hearing

94 Child or relevant person unable to understand grounds

- (1) Subsection (2) applies where the grounds hearing is satisfied that the child or a relevant person in relation to the child—
 - (a) would not be capable of understanding an explanation given in compliance with section 90(1) in relation to a ground, or
 - (b) has not understood the explanation given in compliance with section 90(1) in relation to a ground.
- (2) The grounds hearing must—
 - (a) direct the Principal Reporter to make an application to the sheriff to determine whether the ground is established, or
 - (b) discharge the referral in relation to the ground.
- (3) In the case mentioned in subsection (1)(a), the chairing member need not comply with section 90(1) in relation to that ground as respects the person who would not be capable of understanding an explanation [^{F1}given in compliance with section 90(1) in relation to] the ground.
- (4) If the grounds hearing gives a direction under subsection (2)(a), the chairing member must—
 - (a) in so far as is reasonably practicable comply with the requirement in paragraph (a) of section 93(4), and
 - (b) comply with the requirement in paragraph (b) of that section.
- (5) If the grounds hearing gives a direction under subsection (2)(a), section 93(5) applies.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 94 is up to date with all changes known to be in force on or before 22 May 2024. 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** Words in s. 94(3) substituted (26.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), s. 102(3), [Sch. 5 para. 12\(4\)](#); S.S.I. 2014/353, art. 2(2)(3), Sch.
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Commencement Information

- I1** S. 94 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\(5\)\(b\)](#)