



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 10

#### PROCEEDINGS BEFORE SHERIFF

##### *Ground accepted before application determined*

#### **105 Application by virtue of section 93: ground accepted before determination**

(1) This section applies where—

- (a) an application is made to the sheriff by virtue of section 93(2)(a) in relation to a ground, and
- (b) before the application is determined, the ground is accepted by the child and each relevant person in relation to the child who is present at the hearing before the sheriff.

[<sup>F1</sup>(1A) The reference in subsection (1)(b) to the ground being accepted is, in relation to a ground which was not accepted by virtue of section 90(1B), a reference to all of the supporting facts in relation to the ground being accepted.]

- (2) Unless the sheriff is satisfied in all the circumstances that evidence in relation to the ground should be heard, the sheriff must—
- (a) dispense with hearing such evidence, and
  - (b) determine that the ground is established.

#### **Textual Amendments**

- F1** S. 105(1A) inserted (26.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), s. 102(3), [Sch. 5 para. 12\(5\)](#); [S.S.I. 2014/353](#), art. 2(2)(3), Sch.

#### **Commencement Information**

- I1** S. 105 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

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*Changes to legislation: Children's Hearings (Scotland) Act 2011, Cross Heading: Ground accepted before application determined 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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**106 Application by virtue of section 94: ground accepted by relevant person before determination**

- (1) This section applies where—
- (a) an application to the sheriff is made by virtue of section 94(2)(a) in relation to a ground on the basis that the child would not understand, or has not understood, an explanation given in compliance with section 90(1)(a), and
  - (b) before the application is determined the ground is accepted by each relevant person in relation to the child who is present at the hearing before the sheriff.

[<sup>F2</sup>(1A) The reference in subsection (1)(b) to the ground being accepted is, in relation to a ground which was not accepted by virtue of section 90(1B), a reference to all of the supporting facts in relation to the ground being accepted.]

- (2) The sheriff may determine the application without a hearing unless—
- (a) a person mentioned in subsection (3) requests that a hearing be held, or
  - (b) the sheriff considers that it would not be appropriate to determine the application without a hearing.
- (3) The persons are—
- (a) the child,
  - (b) a relevant person in relation to the child,
  - (c) if a safeguarder has been appointed, the safeguarder,
  - (d) the Principal Reporter.
- (4) If the sheriff determines the application without a hearing, the sheriff must do so before the expiry of the period of 7 days beginning with the day on which the application is made.

**Textual Amendments**

**F2** S. 106(1A) inserted (26.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\), s. 102\(3\), Sch. 5 para. 12\(6\)](#); [S.S.I. 2014/353, art. 2\(2\)\(3\)](#), Sch.

**Commencement Information**

**I2** S. 106 in force at 24.6.2013 by [S.S.I. 2013/195, arts. 2, 3](#)

**Changes to legislation:**

Children's Hearings (Scotland) Act 2011, Cross Heading: Ground accepted before application determined 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.

[View outstanding changes](#)

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