



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 9

#### CHILDREN'S HEARING

##### *Grounds hearing*

#### **93 Grounds not accepted: application to sheriff or discharge**

- (1) This section applies where—
  - (a) at least one of the grounds specified in the statement of grounds is accepted but the grounds hearing does not consider 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, or
  - (b) none of the grounds specified in the statement of grounds is accepted.
- (2) The grounds hearing must—
  - (a) direct the Principal Reporter to make an application to the sheriff for a determination on whether each ground that is not accepted by the child and (subject to sections 74 and 75) each relevant person in relation to the child is established, or
  - (b) discharge the referral.
- (3) Subsections (4) and (5) apply if the grounds hearing gives a direction under subsection (2)(a).
- (4) The chairing member must—
  - (a) explain the purpose of the application to the child and (subject to sections 74 and 75) each relevant person in relation to the child, and
  - (b) inform the child that the child is obliged to attend the hearing before the sheriff unless excused by the sheriff.
- (5) If the grounds hearing considers that the nature of the child's circumstances is such that for the protection, guidance, treatment or control of the child it is necessary as a matter of urgency that an interim compulsory supervision order be made, the grounds hearing may make an interim compulsory supervision order in relation to the child.

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*Status: This is the original version (as it was originally enacted).*

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- (6) An interim compulsory supervision order made under subsection (5) may not include a measure of the kind mentioned in section 83(2)(f)(i).
- (7) In subsection (1), “accepted” means accepted by the child and (subject to sections 74 and 75) each relevant person in relation to the child.