



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.
- (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.

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.
- (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.

Status: This is the original version (as it was originally enacted).

(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.