



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 6

INVESTIGATION AND REFERRAL TO CHILDREN'S HEARING

Investigation and determination by Principal Reporter

67 Meaning of “section 67 ground”

- (1) In this Act “section 67 ground”, in relation to a child, means any of the grounds mentioned in subsection (2).
- (2) The grounds are that—
- (a) the child is likely to suffer unnecessarily, or the health or development of the child is likely to be seriously impaired, due to a lack of parental care,
 - (b) a schedule 1 offence has been committed in respect of the child,
 - (c) the child has, or is likely to have, a close connection with a person who has committed a schedule 1 offence,
 - (d) the child is, or is likely to become, a member of the same household as a child in respect of whom a schedule 1 offence has been committed,
 - (e) the child is being, or is likely to be, exposed to persons whose conduct is (or has been) such that it is likely that—
 - (i) the child will be abused or harmed, or
 - (ii) the child's health, safety or development will be seriously adversely affected,
 - (f) the child has, or is likely to have, a close connection with a person who has carried out domestic abuse,
 - (g) the child has, or is likely to have, a close connection with a person who has committed an offence under Part 1, 4 or 5 of the Sexual Offences (Scotland) Act 2009 ([asp 9](#)),
 - (h) the child is being provided with accommodation by a local authority under section 25 of the 1995 Act and special measures are needed to support the child,
 - (i) a permanence order is in force in respect of the child and special measures are needed to support the child,

- (j) the child has committed an offence,
 - (k) the child has misused alcohol,
 - (l) the child has misused a drug (whether or not a controlled drug),
 - (m) the child's conduct has had, or is likely to have, a serious adverse effect on the health, safety or development of the child or another person,
 - (n) the child is beyond the control of a relevant person,
 - (o) the child has failed without reasonable excuse to attend regularly at school,
 - (p) the child—
 - (i) is being, or is likely to be, subjected to physical, emotional or other pressure to enter into a marriage or civil partnership, or
 - (ii) is, or is likely to become, a member of the same household as such a child.
- (3) For the purposes of paragraphs (c), (f) and (g) of subsection (2), a child is to be taken to have a close connection with a person if—
- (a) the child is a member of the same household as the person, or
 - (b) the child is not a member of the same household as the person but the child has significant contact with the person.
- (4) The Scottish Ministers may by order—
- (a) amend subsection (2) by—
 - (i) adding a ground,
 - (ii) removing a ground for the time being mentioned in it, or
 - (iii) amending a ground for the time being mentioned in it, and
 - (b) make such other amendments of this section as appear to the Scottish Ministers to be necessary or expedient in consequence of provision made under paragraph (a).
- (5) An order under subsection (4) is subject to the affirmative procedure.
- (6) In this section—
- “controlled drug” means a controlled drug as defined in section 2(1)(a) of the Misuse of Drugs Act 1971 (c.38),
 - “permanence order” has the meaning given by section 80(2) of the Adoption and Children (Scotland) Act 2007 (asp 4),
 - “schedule 1 offence” means an offence mentioned in Schedule 1 to the Criminal Procedure (Scotland) Act 1995 (c.46) (offences against children under 17 years of age to which special provisions apply).