



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 of 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.