

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 17 – Proceedings under Part 10: Evidence

Section 175 – Sections 173 and 174: application to sheriff for order as to evidence

254. This section sets out the circumstances in which a sheriff may make exceptions to the restrictions about allowing evidence or questioning. On the application of the child, the relevant person, the Principal Reporter or Safeguarder, the sheriff may make an order to allow such evidence to be admitted or taken in certain circumstances. Subsection (4) provides that references in this section to an occurrence or occurrences of sexual behaviour include references to undergoing or being made subject to any experience of a sexual nature. As with sections 173 and 174, the provisions in this section cover both the victim of sexual behaviour and a child alleged to have committed an offence involving sexual behaviour. Subsection (5) provides a definition of “proper administration of justice” for the purposes of this section.