



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 11

#### SUBSEQUENT CHILDREN'S HEARINGS

#### **119 Children's hearing following deferral or proceedings under Part 10**

- (1) This section applies where a children's hearing is arranged by the Principal Reporter by virtue of section 91(2), 107(3), 108, 115(2) or 117(2)(b) or subsection (2).
- (2) If the children's hearing considers that it is appropriate to do so, the children's hearing may defer making a decision on whether to make a compulsory supervision order until a subsequent children's hearing.
- (3) If the children's hearing does not exercise the power conferred by subsection (2) the children's hearing must—
  - (a) if satisfied that it is necessary to do so for the protection, guidance, treatment or control of the child, make a compulsory supervision order, or
  - (b) if not so satisfied, discharge the referral.
- (4) Subsection (5) applies where—
  - (a) the child is excused by virtue of section 73(3) or 79(3)(a) or rules under section 177, or
  - (b) a relevant person in relation to the child is excused by virtue of section 74(3) or 79(3)(b) or rules under section 177.
- (5) The children's hearing may, despite the excusal, defer its decision to a subsequent children's hearing under this section without further excusing the person.

#### **120 Powers of children's hearing on deferral under section 119**

- (1) This section applies where under subsection (2) of section 119 a children's hearing defers making a decision in relation to a child until a subsequent children's hearing under that section.
- (2) Subsection (3) applies if immediately before the children's hearing which takes place under section 119 an interim compulsory supervision order was not in force in relation to the child.

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*Status: This is the original version (as it was originally enacted).*

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- (3) If the children's 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 to make an interim compulsory supervision order, the children's hearing may make an interim compulsory supervision order in relation to the child.
- (4) Subsection (5) applies if immediately before the children's hearing which takes place under section 119 an interim compulsory supervision order was in force in relation to the child.
- (5) If the children's hearing is satisfied that the nature of the child's circumstances is such that for the protection, guidance, treatment or control of the child it is necessary that a further interim compulsory supervision order be made, the children's hearing may make a further interim compulsory supervision order in relation to the child.
- (6) If the children's hearing considers that it is necessary to do so for the purpose of obtaining any further information, or carrying out any further investigation, that is needed before the subsequent children's hearing, the hearing may make a medical examination order.