



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 6

#### INVESTIGATION AND REFERRAL TO CHILDREN'S HEARING

##### *Provision of information to Principal Reporter*

#### **60 Local authority's duty to provide information to Principal Reporter**

- (1) If a local authority considers that it is likely that subsection (2) applies in relation to a child in its area, it must make all necessary inquiries into the child's circumstances.
- (2) This subsection applies where the local authority considers—
  - (a) that the child is in need of protection, guidance, treatment or control, and
  - (b) that it might be necessary for a compulsory supervision order to be made in relation to the child.
- (3) Where subsection (2) applies in relation to a child the local authority must give any information that it has about the child to the Principal Reporter.

#### **Commencement Information**

II S. 60 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

#### **61 Constable's duty to provide information to Principal Reporter**

- (1) This section applies where a constable considers—
  - (a) that a child is in need of protection, guidance, treatment or control, and
  - (b) that it might be necessary for a compulsory supervision order to be made in relation to the child.
- (2) The constable must give the Principal Reporter all relevant information which the constable has been able to discover in relation to the child.

*Status: Point in time view as at 30/09/2015.*

*Changes to legislation: Children's Hearings (Scotland) Act 2011, Cross Heading: Provision of information to Principal Reporter is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) If the constable makes a report under [F1 section 20(1)(d) of the Police and Fire Reform (Scotland) Act 2012 (asp 8)] in relation to the child, the constable must also make the report to the Principal Reporter.

#### Textual Amendments

- F1** Words in s. 61(3) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 44](#); [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))

#### Commencement Information

- I2** S. 61 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

## 62 Provision of information by court

- (1) This section applies where, in the course of relevant proceedings, a court considers that a section 67 ground (other than the ground mentioned in section 67(2)(j)) might apply in relation to a child.
- (2) The court may refer the matter to the Principal Reporter.
- (3) If the court refers the matter under subsection (2) it must give the Principal Reporter a section 62 statement.
- (4) A section 62 statement is a statement—
- (a) specifying which of the section 67 grounds the court considers might apply in relation to the child,
  - (b) setting out the reasons why the court considers that the ground might apply, and
  - (c) setting out any other information about the child which appears to the court to be relevant.
- (5) In this section “relevant proceedings” means—
- (a) an action for divorce,
  - (b) an action for separation,
  - (c) an action for declarator of marriage,
  - (d) an action for declarator of nullity of marriage,
  - (e) an action for dissolution of a civil partnership,
  - (f) an action for separation of civil partners,
  - (g) an action for declarator of nullity of a civil partnership,
  - (h) an action for declarator of parentage,
  - (i) an action for declarator of non-parentage,
  - (j) proceedings relating to parental responsibilities or parental rights,
  - (k) an application for an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4)),
  - (l) an application for the making, variation or revocation of a permanence order (as defined in section 80(2) of the Adoption and Children (Scotland) Act 2007) in respect of a child who is not subject to a compulsory supervision order, <sup>F2</sup> ...
  - (m) proceedings relating to an offence under any of the following sections of the Education (Scotland) Act 1980 (c.44)—

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- (i) section 35 (failure by parent to secure regular attendance by child at a public school),
  - (ii) section 41 (failure to comply with attendance order),
  - (iii) section 42(3) (failure to permit examination of child).
- [<sup>F3</sup>(n) an application for the making, variation, recall or extension of—
- (i) a forced marriage protection order (as defined in section 1(6) of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (asp 15)), or
  - (ii) an interim forced marriage protection order (as defined in section 5(2) of that Act),
- (o) civil proceedings in which a court makes an order such as is mentioned in subparagraph (i) or (ii) of paragraph (n) by virtue of section 4(1) of that Act (power to make order without application), or
- (p) proceedings relating to an offence under section 9(1) of that Act (offence of breaching order).]

#### Textual Amendments

- F2** Word in s. 62(5) repealed (28.11.2011) by [Forced Marriage etc. \(Protection and Jurisdiction\) \(Scotland\) Act 2011 \(asp 15\)](#), **ss. 13(2)(a)**, 19(2) (with s. 18); S.S.I. 2011/352, art. 2
- F3** S. 62(5)(n)-(p) inserted (28.11.2011) by [Forced Marriage etc. \(Protection and Jurisdiction\) \(Scotland\) Act 2011 \(asp 15\)](#), **ss. 13(2)(b)**, 19(2) (with s. 18); S.S.I. 2011/352, art. 2

#### Commencement Information

- I3** S. 62 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

### 63 Provision of evidence from certain criminal cases

- (1) The Lord Advocate may direct that in any specified case or class of case evidence lawfully obtained in the investigation of a crime or suspected crime must be given to the Principal Reporter.
- (2) The evidence must in that case, or in a case of that class, be given to the Principal Reporter even if the Principal Reporter has not made a request under section 172.

#### Commencement Information

- I4** S. 63 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

### 64 Provision of information by other persons

- (1) This section applies where a person considers—
  - (a) that a child is in need of protection, guidance, treatment or control, and
  - (b) that it might be necessary for a compulsory supervision order to be made in relation to the child.
- (2) The person may give the Principal Reporter all relevant information which the person has in relation to the child.

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**Commencement Information**

**I5** S. 64 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

**65 Provision of information by constable: child in place of safety**

- (1) Subsection (2) applies where a constable informs the Principal Reporter under subsection (5) of section 43 of the Criminal Procedure (Scotland) Act 1995 (c.46) that—
- (a) a child is being kept in a place of safety under subsection (4) of that section, and
  - (b) it has been decided not to proceed with the charge against the child.
- (2) The Principal Reporter may direct—
- (a) that the child be released from the place of safety, or
  - (b) that the child continue to be kept in the place of safety until the Principal Reporter makes a determination under section 66(2).

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**Commencement Information**

**I6** S. 65 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

**Status:**

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**Changes to legislation:**

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