



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 10

#### PROCEEDINGS BEFORE SHERIFF

##### *Determination of application*

#### **108 Determination: ground established**

- (1) This section applies where the sheriff determines an application made by virtue of section 93(2)(a) or 94(2)(a).
- (2) If subsection (4) applies, the sheriff must direct the Principal Reporter to arrange a children's hearing to decide whether to make a compulsory supervision order in relation to the child.
- (3) In any other case, the sheriff must—
  - (a) dismiss the application, and
  - (b) discharge the referral to the children's hearing.
- (4) This subsection applies if—
  - (a) the sheriff determines that one or more grounds to which the application relates are established, or
  - (b) one or more other grounds were accepted at the grounds hearing which directed the Principal Reporter to make the application.
- (5) In subsection (4)(b), “accepted” means accepted by the child and (subject to sections 74 and 75) each relevant person in relation to the child.

#### **Commencement Information**

**II** S. 108 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

**Changes to legislation:**

Children's Hearings (Scotland) Act 2011, Section 108 is up to date with all changes known to be in force on or before 16 September 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 7A inserted by [2024 asp 5 s. 2\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 57A57B and cross-heading inserted by [2024 asp 5 s. 3\(7\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 83(2)(ca)(cb) inserted by [2024 asp 5 s. 5\(2\)\(a\)](#)
- s. 83(2A) inserted by [2024 asp 5 s. 4\(2\)\(b\)](#)
- s. 83(4A) inserted by [2024 asp 5 s. 6\(2\)\(b\)](#)
- s. 138(6)(aa) inserted by [2024 asp 5 s. 11\(2\)\(a\)\(ii\)](#)
- s. 138(7A) inserted by [2024 asp 5 s. 11\(2\)\(b\)](#)
- s. 144(6) amendment to earlier affecting provision S.S.I. 2022/225, reg. 13(4) by [2024 asp 5 Sch. para. 27\(2\)\(b\)](#)
- s. 150(2)(ca)(cb) inserted by [2024 asp 5 s. 6\(3\)\(c\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)
- s. 177(2)(ha) inserted by [2024 asp 5 s. 2\(3\)](#)
- s. 179A(5A)(5B) inserted by [2024 asp 5 s. 8\(2\)\(b\)](#)
- s. 179B(3)-(6) inserted by [2024 asp 5 s. 8\(3\)\(c\)](#)
- s. 179C(4) inserted by [2024 asp 5 s. 8\(4\)\(b\)](#)
- s. 179D inserted by [2024 asp 5 s. 9\(2\)](#)