



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 2 **S**

#### THE PRINCIPAL REPORTER AND THE SCOTTISH CHILDREN'S REPORTER ADMINISTRATION

##### Modifications etc. (not altering text)

- C1 Pt. 2 applied by S.S.I. 2003/179, reg. 3A (as inserted (24.6.2013) by [The Children's Legal Assistance \(Scotland\) Regulations 2013 \(S.S.I. 2013/200\)](#), regs. 1, **3(3)**)

#### *The Principal Reporter and SCRA*

#### 14 The Principal Reporter **S**

There continues to be an officer known as the Principal Reporter.

##### Commencement Information

- I1 S. 14 in force at 24.6.2013 by [S.S.I. 2013/195](#), arts. 2, 3

#### 15 The Scottish Children's Reporter Administration **S**

There continues to be a body corporate known as the Scottish Children's Reporter Administration (in this Act referred to as "SCRA").

##### Commencement Information

- I2 S. 15 in force at 24.6.2013 by [S.S.I. 2013/195](#), arts. 2, 3

#### 16 Further provision about Principal Reporter and SCRA **S**

Schedule 3 makes further provision about the Principal Reporter and SCRA.

*Changes to legislation: Children's Hearings (Scotland) Act 2011, Part 2 is up to date with all changes known to be in force on or before 30 May 2023. 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) View outstanding changes*

**Commencement Information**

**I3** S. 16 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

*The Principal Reporter*

**17 Duty as respects location of children's hearing** **S**

The Principal Reporter must ensure that, so far as practicable, a children's hearing takes place in the area of the relevant local authority for the child to whom the hearing relates.

**Commencement Information**

**I4** S. 17 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

**18 Power to change Principal Reporter's functions** **S**

- (1) The Scottish Ministers may by order—
- (a) confer additional functions on the Principal Reporter,
  - (b) remove functions from the Principal Reporter,
  - (c) transfer functions from another person to the Principal Reporter,
  - (d) transfer functions from the Principal Reporter to another person,
  - (e) specify the manner in which, or period within which, any function conferred on the Principal Reporter by virtue of this Act or the Criminal Procedure (Scotland) Act 1995 (c.46) is to be carried out.
- (2) An order under this section is subject to the super-affirmative procedure (other than an order under subsection (1)(e), which is subject to the affirmative procedure).

**Commencement Information**

**I5** S. 18 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

**19 Rights of audience** **S**

- (1) The Scottish Ministers may by regulations—
- (a) empower the Principal Reporter to conduct proceedings which by virtue of this Act require to be conducted before the sheriff<sup>[F1]</sup>, the sheriff principal or the Sheriff Appeal Court],
  - (b) prescribe qualifications or experience that must be acquired or training that must be undertaken by the Principal Reporter before conducting such proceedings.
- (2) References in subsection (1) to the Principal Reporter include references to a person carrying out a function on behalf of the Principal Reporter by virtue of paragraph 10(1) of schedule 3.

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#### Textual Amendments

**F1** Words in s. 19(1)(a) substituted (1.1.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential and Supplemental Provisions\) Order 2015 \(S.S.I. 2015/402\)](#), art. 1, **Sch. para. 7(2)** (with art. 5)

#### Commencement Information

**I6** S. 19 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

### *Functions of SCRA*

#### **20 Assisting Principal Reporter** **S**

SCRA must—

- (a) assist the Principal Reporter in carrying out the functions conferred on the Principal Reporter by virtue of this Act or any other enactment, and
- (b) facilitate the carrying out of those functions.

#### Commencement Information

**I7** S. 20 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

#### **21 Provision of accommodation for children's hearings** **S**

- (1) SCRA must provide suitable accommodation and facilities for children's hearings.
- (2) Accommodation and facilities must, so far as practicable, be provided in the area of each local authority.
- (3) Accommodation and facilities must be dissociated from courts exercising criminal jurisdiction and police stations.

#### Commencement Information

**I8** S. 21 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

#### **22 Independence of Principal Reporter** **S**

- (1) Nothing in this Act authorises SCRA or any other person to direct or guide the Principal Reporter in carrying out the functions conferred on the Principal Reporter by virtue of this Act or any other enactment.
- (2) This section is subject to section 18(1)(e).

#### Commencement Information

**I9** S. 22 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

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## 23 Directions **S**

- (1) The Scottish Ministers may give SCRA general or specific directions about the carrying out of its functions.
- (2) SCRA must comply with a direction under subsection (1).
- (3) The Scottish Ministers may vary or revoke a direction under subsection (1) by giving a subsequent direction under that subsection.

### Commencement Information

**I10** S. 23 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

*Transfer of staff, property etc.*

## 24 Transfer of staff, property etc. **S**

Schedule 4 makes provision about the transfer of staff, property, rights, liabilities and obligations to CHS.

### Commencement Information

**I11** S. 24 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

**Changes to legislation:**

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[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. 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. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- 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\(5\)\(b\)](#)