

Changes to legislation: There are currently no known outstanding effects for the Children's Hearings (Scotland) Act 2011, SCHEDULE 3. (See end of Document for details)

SCHEDULE 3

(introduced by section 16)

THE SCOTTISH CHILDREN'S REPORTER ADMINISTRATION

Status

- 1 (1) SCRA—
 - (a) is not a servant or agent of the Crown, and
 - (b) does not enjoy any status, immunity or privilege of the Crown.
- (2) SCRA's property is not property of, or property held on behalf of, the Crown.

Annotations:

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- II** [Sch. 3 para. 1](#)
in force at 24.6.2013 by
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Membership

- 2 (1) The members of SCRA are to be appointed by the Scottish Ministers.
- (2) There are to be no fewer than five and no more than eight members.
- (3) The Scottish Ministers may by order amend sub-paragraph (2) so as to substitute for the numbers of members for the time being specified there different numbers of members.
- (4) A member holds and vacates office on terms and conditions determined by the Scottish Ministers.
- (5) The Scottish Ministers may appoint a person to be a member only if satisfied that the person has knowledge or experience relevant to the functions of SCRA and the Principal Reporter.
- (6) The Scottish Ministers may appoint a person to be a member only if satisfied that the person, after appointment, will have no financial or other interest that is likely to prejudicially affect the performance of the person's functions as a member of SCRA.
- (7) The Scottish Ministers may reappoint as a member a person who has ceased to be a member.

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- I2** [Sch. 3 para. 2](#)
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Persons disqualified from membership

- 3 A person is disqualified from appointment, and from holding office, as a member if the person is or becomes—
- (a) a member of the House of Commons,
 - (b) a member of the Scottish Parliament, or
 - (c) a member of the European Parliament.

Annotations:

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I3 [Sch. 3 para. 3](#)
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Resignation of members

- 4 A member of SCRA may resign office by giving notice in writing to the Scottish Ministers.

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I4 [Sch. 3 para. 4](#)
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Removal of members

- 5 (1) The Scottish Ministers may revoke the appointment of a member of SCRA if—
- (a) the member becomes insolvent,
 - (b) the member is incapacitated by physical or mental illness,
 - (c) the member has been absent from meetings of SCRA for a period longer than 3 months without the permission of SCRA,
 - (d) the member is otherwise unfit to be a member or unable for any reason to discharge the functions of a member.

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- (2) For the purposes of sub-paragraph (1)(a) a member becomes insolvent when—
- (a) a voluntary arrangement proposed by the member is approved,
 - (b) the member is adjudged bankrupt,
 - (c) the member's estate is sequestrated,
 - (d) the member's application for a debt payment programme is approved under section 2 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), or
 - (e) the member grants a trust deed for creditors.

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- I5** [Sch. 3 para. 5](#)
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Remuneration, allowances etc.

- 6 (1) SCRA must pay to its members—
- (a) such remuneration as the Scottish Ministers may determine, and
 - (b) such allowances in respect of expenses properly incurred by members in the performance of their functions as may be so determined.
- (2) SCRA must—
- (a) pay to or in respect of any person who is or has been a member of SCRA such pension, allowances or gratuities as the Scottish Ministers may determine, or
 - (b) make such payments as the Scottish Ministers may determine towards provision for the payment of a pension, allowance or gratuity to or in respect of such a person.
- (3) Sub-paragraph (4) applies where—
- (a) a person ceases to be a member otherwise than on the expiry of the person's term of office, and
 - (b) it appears to the Scottish Ministers that there are circumstances which make it right for the person to receive compensation.
- (4) SCRA must make a payment to the person of such amount as the Scottish Ministers may determine.

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- I6** [Sch. 3 para. 6](#)
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Chairing meetings

- 7 (1) The Scottish Ministers must appoint one of the members of SCRA to chair meetings of SCRA (the “chairing member”).
- (2) The chairing member holds and vacates that office on terms and conditions determined by the Scottish Ministers.
- (3) If a person is appointed as the chairing member for a period that extends beyond the period of the person's appointment as a member, the person's appointment as a member is taken to have been extended so that it ends on the same day as the period of appointment as chairing member ends.
- (4) The chairing member may resign that office by giving notice in writing to the Scottish Ministers.
- (5) If the chairing member is for any reason unable to chair a meeting of members, a majority of the members present at the meeting may elect one of those members to chair the meeting.

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- I7** [Sch. 3 para. 7](#)
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The Principal Reporter

- 8 (1) The Principal Reporter is to be appointed by SCRA with the approval of the Scottish Ministers.
- (2) SCRA must take reasonable steps to involve persons who are under 21 years of age in the process for selection of a person for appointment under sub-paragraph (1).
- (3) The Principal Reporter holds and vacates that office on terms and conditions determined by SCRA and approved by the Scottish Ministers.
- (4) The Scottish Ministers may by regulations prescribe qualifications that must be held by the Principal Reporter.
- (5) A person is disqualified from appointment, and from holding office, as the Principal Reporter if the person is or becomes—
- (a) a member of the House of Commons,
 - (b) a member of the Scottish Parliament, or
 - (c) a member of the European Parliament.

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- (6) The Principal Reporter may appeal to the Scottish Ministers against dismissal by SCRA.
- (7) SCRA is the respondent in an appeal under sub-paragraph (6).
- (8) The Scottish Ministers may by regulations make provision about—
- (a) the procedure to be followed in appeals under sub-paragraph (6),
 - (b) the effect of making such an appeal,
 - (c) the powers of the Scottish Ministers for disposing of such appeals (including powers to make directions about liability for expenses),
 - (d) the effect of the exercise of those powers.
- (9) Nothing in this paragraph affects any appointment in force on the commencement of this paragraph.

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- 18** [Sch. 3 para. 8](#)
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Supplementary powers of Principal Reporter

- 9 The Principal Reporter may do anything that the Principal Reporter considers appropriate for the purposes of or in connection with the functions conferred on the Principal Reporter by virtue of this Act or any other enactment.

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- 19** [Sch. 3 para. 9](#)
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Delegation of Principal Reporter's functions

- 10 (1) The functions of the Principal Reporter conferred by virtue of this Act or any other enactment (other than the duty imposed by paragraph 22) may be carried out on the Principal Reporter's behalf by a person employed by SCRA who is—
- (a) authorised (whether specially or generally) by the Principal Reporter for the purpose, or

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- (b) a member of a class of person authorised (whether specially or generally) by the Principal Reporter for the purpose.
- (2) Nothing in sub-paragraph (1) prevents the Principal Reporter from carrying out any function delegated under that sub-paragraph.
- (3) The Scottish Ministers may by regulations prescribe the qualifications to be held by a person employed by SCRA to whom a function, or a function of a class, specified in the regulations is delegated.
- (4) A function of the Principal Reporter may not be delegated to a person who is employed by both SCRA and a local authority unless SCRA consents to the delegation.
- (5) The Principal Reporter may give directions about the carrying out of a delegated function.
- (6) The persons to whom the function is delegated must comply with the direction.

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I10 [Sch. 3 para. 10](#)
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Staff

- 11 (1) SCRA may employ any staff necessary to ensure the carrying out of SCRA's functions.
- (2) Staff are employed on terms and conditions determined by SCRA and approved by the Scottish Ministers.
- (3) SCRA may—
 - (a) pay a pension, allowance or gratuity, including by way of compensation for loss of employment, to or in respect of an eligible person,
 - (b) make payments towards the provision of a pension, allowance or gratuity, including by way of compensation for loss of employment, to or in respect of an eligible person,
 - (c) provide and maintain schemes (whether contributory or not) for the payment of a pension, allowance or gratuity, including by way of compensation for loss of employment, to or in respect of an eligible person.
- (4) SCRA may, with the approval of the Scottish Ministers, determine—
 - (a) who, of the persons who are or have ceased to be employees of SCRA, are to be eligible persons, and
 - (b) the amount that may be paid or provided for.
- (5) Sub-paragraphs (6) and (7) apply where—

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- (a) a person employed by SCRA becomes a member of SCRA, and
 - (b) the person was (because the person was an employee of SCRA) a participant in a pension scheme established and administered by SCRA for the benefit of its employees.
- (6) SCRA may determine that the person's service as a member of SCRA is to be treated for the purposes of the scheme as service as an employee of SCRA whether or not any benefits are to be payable to or in respect of the person under paragraph 6.
- (7) Any discretion which the scheme confers on SCRA as to the benefits payable to or in respect of the person is to be exercised only with the approval of the Scottish Ministers.

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- I11** [Sch. 3 para. 11](#)
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Appeals against dismissal

- 12 (1) A person employed by SCRA who is of a description or class specified in regulations made by the Scottish Ministers may appeal to the Scottish Ministers against dismissal by SCRA.
- (2) SCRA is the respondent in an appeal under this paragraph.
- (3) Regulations under sub-paragraph (1) may make provision about—
- (a) the procedure for appeals under this paragraph,
 - (b) the effect of making such an appeal,
 - (c) the powers of the Scottish Ministers to dispose of such appeals (including powers to make directions about liability for expenses),
 - (d) the effect of the exercise of those powers.

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- I12** [Sch. 3 para. 12](#)
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Committees

- 13 (1) SCRA may establish committees.
- (2) The members of committees may include persons who are not members of SCRA.
- (3) A committee must not consist entirely of persons who are not members of SCRA.
- (4) SCRA must pay to a person who is not a member of SCRA and who is appointed to a committee such remuneration and allowances as SCRA may, with the approval of the Scottish Ministers, determine.
- (5) A committee must comply with any directions given to it by SCRA.

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I13 [Sch. 3 para. 13](#)
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SCRA's supplementary powers

- 14 (1) SCRA may do anything that it considers appropriate for the purposes of or in connection with its functions.
- (2) SCRA may in particular—
- (a) acquire and dispose of land and other property,
 - (b) enter into contracts,
 - (c) carry out research relating to the functions conferred on it by virtue of this Act or any other enactment,
 - (d) publish, or assist in the publication of, materials relating to those functions,
 - (e) promote, or assist in the promotion of, publicity relating to those functions.

Annotations:

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I14 [Sch. 3 para. 14](#)
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Procedure

- 15 SCRA may determine—

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- (a) its own procedure (including quorum), and
- (b) the procedure (including quorum) of any of its committees.

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I15 [Sch. 3 para. 15](#)
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Delegation of SCRA's functions

- 16 (1) Any function of SCRA (whether conferred by virtue of this Act or any other enactment) may be carried out on its behalf by—
- (a) a member of SCRA,
 - (b) a committee of SCRA,
 - (c) a person employed by SCRA,
 - (d) any other person authorised (whether specially or generally) by it for the purpose.
- (2) Nothing in sub-paragraph (1) prevents SCRA from carrying out any function delegated under that sub-paragraph.

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I16 [Sch. 3 para. 16](#)
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Financial interests

- 17 (1) The Scottish Ministers must from time to time satisfy themselves that the members of SCRA have no financial or other interest that is likely to prejudicially affect the performance of their functions as members of SCRA.
- (2) A member must comply with a requirement of the Scottish Ministers to give them any information that the Scottish Ministers consider necessary to enable them to comply with sub-paragraph (1).

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I17 [Sch. 3 para. 17](#)
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Grants

- 18 (1) The Scottish Ministers may make grants to SCRA of amounts that they determine.
- (2) A grant is made subject to any conditions specified by the Scottish Ministers (including conditions about repayment).

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I18 [Sch. 3 para. 18](#)
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Accounts

- 19 (1) SCRA must—
- (a) keep proper accounts and accounting records,
 - (b) prepare for each financial year a statement of accounts, and
 - (c) send a copy of each statement of accounts to the Scottish Ministers by such time as they may direct.
- (2) Each statement of accounts must comply with any directions given by the Scottish Ministers as to—
- (a) the information to be contained in it,
 - (b) the manner in which the information is to be presented,
 - (c) the methods and principles according to which the statement is to be prepared.
- (3) The Scottish Ministers must send a copy of each statement of accounts to the Auditor General for Scotland for auditing.
- (4) In this paragraph, “financial year” means each period of a year ending on 31 March.

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I19 [Sch. 3 para. 19](#)
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Provision of accounts and other information to Scottish Ministers

- 20 (1) The Scottish Ministers may direct SCRA to give them accounts or other information specified in the direction relating to SCRA's property and activities or proposed activities.
- (2) SCRA must—
- (a) give the Scottish Ministers accounts or any other information that it is directed to give under sub-paragraph (1),
 - (b) give the Scottish Ministers facilities for the verification of the information given,
 - (c) permit any person authorised by the Scottish Ministers to inspect and make copies of accounts and any other documents of SCRA for the purposes of verifying the information given, and
 - (d) give the person an explanation, reasonably required by the person, of anything that the person is entitled to inspect.

Annotations:

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I20 [Sch. 3 para. 20](#)
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SCRA's annual report

- 21 (1) SCRA must, as soon as is reasonably practicable after the end of each financial year, prepare and submit to the Scottish Ministers a report on the carrying out of its functions during the year.
- (2) The report must include a copy of so much of the report made to SCRA by the Principal Reporter as relates to the year.
- (3) SCRA may include in the report any other information that it considers appropriate.

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(4) The Scottish Ministers must lay before the Scottish Parliament each report submitted to them.

(5) In this section, “financial year” means each period of a year ending on 31 March.

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I21 [Sch. 3 para. 21](#)
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Principal Reporter's annual report

22 (1) The Principal Reporter must, as soon as is reasonably practicable after the end of each financial year, prepare and submit to SCRA a report on the carrying out during the year of the functions conferred on the Principal Reporter by virtue of this Act or any other enactment.

(2) The Principal Reporter may include in the report any other information that the Principal Reporter considers appropriate.

(3) In this paragraph, “financial year” means each period of a year ending on 31 March.

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I22 [Sch. 3 para. 22](#)
 in force at 24.6.2013 by
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Validity of proceedings and actions

23 The validity of proceedings or actions of SCRA (including proceedings or actions of any of its committees) is not affected by—

- (a) any vacancy in the membership of SCRA or any of its committees,
- (b) any defect in the appointment of a member of SCRA or any of its committees,
or
- (c) the disqualification of a person as a member of SCRA after appointment.

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I23 [Sch. 3 para. 23](#)
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