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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2013 No.**

**The Children's Hearings (Scotland) Act 2011 (Rules  
of Procedure in Children's Hearings) Rules 2013**

**PART 12**

**Pre-hearing panels and determination of matters  
which may be referred to pre-hearing panels**

**Arranging pre-hearing panel - determination of relevant person status**

**45.**—(1) Where a pre-hearing panel is to be arranged by virtue of section 79(2)(a) or (b) (referral of certain matters for pre-hearing determination) of the Act (whether or not it is also to determine any matter mentioned in section 79(3)), wherever practicable at least 5 days before the intended date of the pre-hearing panel the Reporter must give notice of the pre-hearing panel to the persons mentioned in paragraph (2).

(2) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) any individual requesting a determination that they be deemed a relevant person under section 79(2)(a) of the Act;
- (d) any individual other than a relevant person who appears to the Reporter to have or recently have had significant involvement in the upbringing of the child;
- (e) any appointed safeguarder;
- (f) the three members of the pre-hearing panel;
- (g) the National Convener.

(3) The notice must inform—

- (a) the persons mentioned in paragraph (2) of the date, time and place of the pre-hearing panel;
- (b) the persons mentioned in paragraph (2)(a) to (e) that they—
  - (i) have the right to attend the pre-hearing panel;
  - (ii) may make representations (orally or in writing) to the pre-hearing panel relating to whether the individual mentioned in paragraph (2)(c) or (d) should be deemed to be a relevant person;
  - (iii) may give any report or other document relevant to that matter for the consideration of the pre-hearing panel;
  - (iv) have the right to request that the Reporter takes all reasonable steps to enable the child, each relevant person, or the individual in question, as the case may be, to attend the pre-hearing panel by way of telephone, through video link or by using any other method of communication; and

- (c) the individual mentioned in paragraph (2)(c) or (d) that the individual, if deemed a relevant person under section 81(3) (determination of claim that person be deemed a relevant person) of the Act after that determination has been made, may request the pre-hearing panel to determine any matter mentioned in section 79(3) of the Act.
- (4) Where the pre-hearing panel will also determine any other matter referred under section 79(2)(c) of the Act the notice must state that fact and—
  - (a) inform the individual mentioned in paragraph (2)(c) or (d) that the individual will not be entitled to take part in any discussion on that matter unless they are deemed to be a relevant person; and
  - (b) inform the persons mentioned in (2)(a), (b) or (e) that they may—
    - (i) make representations (orally or in writing) to the pre-hearing panel in relation to any matter to be determined by the panel; and
    - (ii) give any report or other document relevant to those matters for the consideration of the pre-hearing panel.