
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

CHILDREN AND YOUNG PERSONS

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

Made - - - - 2013

Coming into force in accordance with rule 1

THE CHILDREN'S HEARINGS (SCOTLAND) ACT 2011 (RULES
OF PROCEDURE IN CHILDREN'S HEARINGS) RULES 2013

PART 1

1. Citation, commencement and application
2. Interpretation

PART 2

3. Selection of members of children's hearing and pre-hearing panel - supplementary
4. Selection of chairing member for pre-hearing panels and children's hearings
5. Duties of members of the pre-hearing panel or children's hearing relating to documents and information
6. Duties of chairing member of a pre-hearing panel or children's hearing
7. Procedure at children's hearings and pre-hearing panels where not otherwise specified

PART 3

8. Requirement to include child's views in documents
9. Duties of safeguarder in respect of information and documents
10. Attendance at children's hearings by member of the Administrative Justice and Tribunals Council or the Scottish Committee of that Council or a member of an Area Support Team
11. Role of representative of the child, relevant person or deemed relevant person

PART 4

12. Record keeping by the Reporter of investigation and determination
13. Record keeping duties of the Reporter in relation to children's hearings
14. The statement of grounds
15. Duties of Reporters where information to be withheld from a person
16. Withholding of specified documents and information by the Reporter
17. Duties of the Reporter where a child is detained under a warrant to secure the attendance of the child
18. Notification and provision of information to a young child

PART 5

19. Further provision in relation to the attendance of the child and relevant person at a children's hearing or pre-hearing panel
20. Attendance at a children's hearing

PART 6

21. Application of Part
22. Notification of children's hearings - general
23. Other information to be given with notification of a children's hearing to the child and each relevant person
24. Other information to be given with notification of a children's hearing to certain other persons
25. Information to be sent to the members of the children's hearing
26. Provision of information prior to children's hearing

PART 7

27. Additional information to be given to the child and each relevant person in relation to a grounds hearing
28. Information to be given to the members of the grounds hearing
29. Provision of information for a grounds hearing where section 69(3) (determination under section 66: referral to children's hearing) of the Act applies or following the making of a child protection order under section 38 (consideration by sheriff: application by local authority only) or 39 (consideration by sheriff: application by local authority or other person) of the Act
30. Arranging a grounds hearing where a compulsory supervision order is already in force in relation to the child

PART 8

the Act

31. Provision of information to the child, relevant persons and any appointed safeguarder for a children's hearing to which section 119 (children's hearing following deferral or proceedings under Part 10) of the Act applies
32. Information to be given to the members of the children's hearing to which section 119 (children's hearing following deferral or proceedings under Part 10) of the Act applies

33. Provision of information for children's hearing to which section 119 (children's hearing following deferral or proceedings under Part 10) of the Act applies where section 109(7) (determination: power to make interim compulsory supervision order etc.), 115(5) (recall: power to refer other grounds) or 117(5) (new section 67 ground established: sheriff to refer to children's hearing) of the Act also applies.

PART 9

the Act

34. Provision of information to the child and relevant persons for a children's hearing to which section 137 (duty to arrange children's hearing) of the Act applies
35. Information to be given to the members of the children's hearing to which section 137 (duty to arrange children's hearing) of the Act applies
36. Provision of information for a review hearing where section 136 (duty to initiate review where child transferred) of the Act applies

PART 10

37. Papers to be sent when new grounds presented after grounds hearing deferred or application made to the sheriff
38. Papers to be sent when new grounds presented after review hearing deferred

PART 11

39. Arranging a children's hearing under section 45 (review by children's hearing where child in place of safety) or 46 (review by children's hearing where order prevents removal of child) of the Act – 2nd working day hearing
40. Arranging a children's hearing under section 50 (children's hearing to provide advice to sheriff in relation to application) of the Act
41. Provision of information for a children's hearing under section 96(2) (children's hearing to consider need for further interim compulsory supervision order)
42. Arranging a children's hearing under section 126 (review of contact direction) of the Act
43. Arranging a children's hearing under section 142 (review of determination that person be deemed a relevant person)
44. Arranging a children's hearing for the purposes of section 49 (reference or remit to children's hearing) of the Criminal Procedure (Scotland) Act 1995

PART 12

45. Arranging pre-hearing panel - determination of relevant person status
46. Arranging pre-hearing panels to determine matter in section 79(3) (referral of certain matters for pre-hearing determination) of the Act
47. Provision of information to pre-hearing panel
48. Procedure at pre-hearing panel determination of whether to deem an individual to be a relevant person
49. Procedure at pre-hearing panel determination of any other matter
50. Notice of pre-hearing panel determination

51. Provision of information to persons deemed to be relevant persons
52. Notification of matter to be determined under section 79 (referral of certain matters for pre-hearing determination) where not practicable to arrange a pre-hearing panel before the date fixed for the children's hearing
53. Provision of information relating to matter referred under section 79 (referral of certain matters for pre-hearing determination) of the Act to the children's hearing
54. Children's hearing determining a matter referred under section 79 (referral of certain matters for pre-hearing determination) of the Act
55. Children's hearings' power to determine whether a person should be deemed to be a relevant person where no referral made under section 79 (referral of certain matters for pre-hearing determination) of the Act

PART 13

56. Appointment of safeguarder by pre-hearing panel or children's hearing
57. Duty of Reporter on receipt of report from safeguarder

PART 14

58. Children's hearings procedure - general

PART 15

the Act

59. Procedure at a grounds hearing - grounds put to the child and relevant person
60. Procedure where section 91(1) (grounds accepted: powers of grounds hearing), 119(1) (children's hearing following deferral or proceedings under Part 10), or 138(1) (powers of children's hearing on review) of the Act applies
61. Procedure when proceedings under section 91(2) (grounds accepted: powers of grounds hearing), 119(2) (children's hearing following deferral or proceedings under Part 10) or 138(2) (powers of children's hearing on review) of the Act
62. Procedure where section 91(3) (grounds accepted: powers of grounds hearing), 119(3) (children's hearing following deferral or proceedings under Part 10) or 138(3) (powers of children's hearing on review) of the Act applies
63. Grounds hearing procedures where section 93 (grounds not accepted: application to sheriff or discharge) or 94 (child or relevant person unable to understand grounds) of the Act applies
64. Procedure where section 95 (child fails to attend grounds hearing) of the Act applies
65. Procedure where report required under section 141 (preparation of report in circumstances relating to permanence order or adoption) of the Act
66. Procedure where there is a review of determination that person be deemed a relevant person
67. Breach of duties imposed by sections 144 (implementation of compulsory supervision order: general duties of implementation authority) or 145 (duty where order requires child to reside in certain place) of the Act

PART 16

- 68. Procedure where rule 37 applies
- 69. Procedure where rule 38 applies

PART 17

- 70. Procedure at a children's hearing held under section 45 (review by children's hearing where child in place of safety) or 46 (review by children's hearing where order prevents removal of child) of the Act
- 71. Procedure where Reporter receives notice under section 49 (notice of application for variation or termination) of the Act after arranging hearing under section 45 or 46 (review by children's hearing where child in place of safety or order prevents removal of child) of the Act
- 72. Procedure where hearing held by virtue of section 50 (children's hearing to provide advice to sheriff in relation to application) of the Act
- 73. Procedure at a children's hearing arranged under section 96(2) (children's hearing to consider need for further interim compulsory supervision order) of the Act
- 74. Procedure at a children's hearing held under section 126 (review of contact direction) of the Act
- 75. Procedure where advice required under section 49 (reference or remit to children's hearing) of the Criminal Procedure (Scotland) Act 1995
- 76. Procedure where application to suspend the decision of the children's hearing made under section 158 (compulsory supervision order: suspension pending appeal) of the Act
- 77. Procedure at a children's hearing where a report is required under section 95(2) of the Adoption and Children (Scotland) Act 2007 (duty of children's hearing to prepare report for court)

PART 18

- 78. Procedure where a warrant to secure attendance may be granted under section 123 (general power to grant warrant to secure attendance) of the Act
- 79. Procedure where advice sought by children's hearing from National Convener under section 8 (provision of advice to children's hearing) of the Act
- 80. Requirements where compulsory supervision order to be made
- 81. Requirements where section 126 (review of contact direction) of the Act applies
- 82. Requirements where section 127 (referral where failure to provide education for excluded pupil) of the Act applies
- 83. Requirements where section 128 (duty to consider applying for parenting order) of the Act applies

PART 19

- 84. Non-disclosure requests
- 85. Determination of a non-disclosure request
- 86. Procedure following receipt of a non-disclosure request made prior to a children's hearing

- 87. Procedure following receipt of a non-disclosure request made during a children's hearing

PART 20

- 88. Notifying decision of a children's hearing to the child, relevant person and appointed safeguarder
- 89. Information to be given to the implementation authority and others
- 90. Information to be given to the chief constable and use of that information
- 91. Notifying decision of section 45 or 46 (review of children's hearing where child in place of safety or order prevents removal of child) hearing
- 92. Notifying decision of section 126 (review of contact direction) hearing
- 93. Notifying decision of section 158 (compulsory supervision order: suspension pending appeal) hearing

PART 21

- 94. Provision of information for review of secure accommodation authorisation
- 95. Procedure where children's hearing to review secure accommodation authorisation
- 96. Notifying decision of review of secure accommodation authorisation

PART 22

- 97. Travelling and subsistence expenses
- 98. Authentication of documents
- 99. Written communications
- 100. Service of notification and documents
 - Signature
 - Explanatory Note