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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 3**

**Duties and roles of persons attending or preparing  
documents for children's hearings and pre-hearing panels**

**Requirement to include child's views in documents**

**8.** Where any document is to be given to members of the children's hearing or pre-hearing panel under, or by virtue of, the Act, or these Rules, the document must contain any views expressed by the child which have been given to the person who has prepared that document.

**Duties of safeguarder in respect of information and documents**

**9.—(1)** Any documents which are given to a safeguarder by the Reporter under, or by virtue of, the Act or any other enactment must be kept securely in the safeguarder's custody and returned to the Reporter on the termination of the safeguarder's appointment.

(2) The safeguarder must not cause or permit any information which they have obtained by virtue of their appointment as a safeguarder under the Act to be disclosed, except as permitted by virtue of the Act or any other enactment.

**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**

**10.—(1)** Any documents which are given to members of the children's hearing or pre-hearing panel must be given by the Reporter to any of the following persons attending the children's hearing or pre-hearing panel where that person so requests—

- (a) a member of the Administrative Justice and Tribunals Council or the Scottish Committee of that Council (acting in that person's capacity as such);
- (b) a member of an area support team (acting in that person's capacity as such).

(2) Where documents are given to a person under paragraph (1) those documents must be kept securely in that person's custody and returned to the Reporter at the conclusion of the children's hearing or pre-hearing panel to which they relate.

(3) The person to whom the documents are given under paragraph (1) must not cause or permit any information which they have obtained by virtue of their attendance at a pre-hearing panel or children's hearing to be disclosed, except as permitted by the Act or these Rules.

**Role of representative of the child, relevant person or deemed relevant person**

**11.—(1)** Where the child or relevant person, or any person who wishes to be deemed to be a relevant person (each referred to in this rule as "the accompanied person") is accompanied at

a children's hearing or pre-hearing panel by a representative that representative may assist the accompanied person to discuss any issues arising for discussion before the children's hearing or pre-hearing panel.

(2) The right of the accompanied person to be represented at the children's hearing or pre-hearing panel is without prejudice to any right of the accompanied person to legal representation by a solicitor or counsel.