
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

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

PART 6

Arranging children's hearings – general

Application of Part

21. This part does not apply where rule 29 or 36 applies.

Notification of children's hearings - general

22.—(1) Where a children's hearing is to be held in relation to a child by virtue of section 69(2) (determination under section 66: referral to children's hearing) or Parts 9 to 11 (children's hearing; proceedings before sheriff; subsequent children's hearings) or 13 (review of compulsory supervision order) of the Act the Reporter must notify the persons mentioned in paragraph (2) of the date, time and place of the children's hearing, as soon as practicable and no later than 7 days before the intended date of the children's hearing.

(2) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) 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;
- (d) any appointed safeguarder;
- (e) the chief social work officer of the relevant local authority for the child;
- (f) the National Convener.

Other information to be given with notification of a children's hearing to the child and each relevant person

23. The Reporter must when issuing the notice under rule 22(1) to the child and each relevant person also give to the child and each relevant person—

- (a) information on the availability to the child and relevant person of legal advice;
- (b) confirmation of the child's duty to attend the children's hearing under section 73 (child's duty to attend children's hearing) of the Act;
- (c) confirmation of the relevant person's duty to attend the children's hearing under section 74 (relevant person's duty to attend children's hearing) of the Act;
- (d) confirmation of the right of the child and each relevant person to request a pre-hearing panel or children's hearing to determine whether—

- (i) a particular individual should be deemed to be a relevant person;
- (ii) the child or relevant person should be excused from all or part of the children's hearing;
- (iii) it is likely that the children's hearing will consider making a compulsory supervision order including a secure accommodation authorisation in relation to the child;
- (e) information on the means by which the child may express views to the children's hearing;
- (f) confirmation of the right of the child and each relevant person to give any report or other document for the consideration of the children's hearing or pre-hearing panel.

Other information to be given with notification of a children's hearing to certain other persons

24.—(1) Where rule 22 applies, when issuing the notification required under that rule the Reporter must also give to 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 the information mentioned in paragraph (2).

(2) That information is confirmation of the right of the individual to require a pre-hearing panel or a children's hearing to determine whether the individual should be deemed to be a relevant person.

Information to be sent to the members of the children's hearing

25. Wherever practicable 7 days before, and no later than 3 days before, the intended date of the children's hearing the Reporter must give to the three members of the children's hearing notification of the date, time and place of the hearing.

Provision of information prior to children's hearing

26.—(1) Where the child or any relevant person wish to give to a children's hearing to be held by virtue of section 69(2) (determination under section 66: referral to children's hearing) or Parts 9 to 11 (children's hearing; proceedings before sheriff; subsequent children's hearings), or 13 (review of compulsory supervision order) of the Act any report or other document for the consideration of the children's hearing the child or relevant person, as the case may be, must give a copy of the report or other document to the Reporter, so far as practicable, no later than 4 days before the intended date of the hearing.

(2) Wherever practicable the Reporter must give a copy of any report or other document given under paragraph (1) to the persons mentioned in paragraph (4) (except where that person gave the report or other document to the Reporter) no later than 3 days before the intended date of the hearing.

(3) Where the Reporter obtains any information (including any views of the child given orally to the Reporter) or document which is material to the children's hearing and has not previously been given to the persons mentioned in paragraph (4) the Reporter must give that information or a copy of the document to those persons as soon as possible before the beginning of the children's hearing.

(4) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) any appointed safeguarder;
- (d) the three members of the children's hearing.