
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 211

**The Children's Hearings (Legal Representation)
(Scotland) Amendment Rules 2009**

Amendment of the Children's Hearings (Legal Representation) (Scotland) Rules 2002

5. After rule 3 (legal representation for the purpose of assisting children at a Children's Hearing) insert—

“Legal representation for the purpose of assisting a relevant person at a Children's Hearing

3A.—(1) A business meeting arranged by the Principal Reporter under section 64(1) of the Act may appoint to a relevant person who is due to attend a Children's Hearing a legal representative, if it appears to that business meeting that—

- (a) it may be necessary to make a supervision requirement (or review a supervision requirement) which includes a requirement—
 - (i) that the child who is the subject of a Children's Hearing reside at any place, where such a requirement would result in the child no longer residing with the relevant person;
 - (ii) regulating the relevant person's contact with the child; or
 - (iii) affecting the relevant person's parental rights under section 2 of the Act; and
- (b) despite the entitlement of the relevant person to be accompanied by a representative under rule 11 of the 1996 Rules, legal representation is required to enable the relevant person to effectively participate at the Hearing.

(2) The Children's Hearing may at any time appoint to any relevant person a legal representative if it appears to that Hearing that the circumstances in paragraph (1) exist and may do so even where a business meeting or previous Children's Hearing has considered the appointment of a legal representative for that relevant person.

(3) When any appointment of a legal representative is made, the business meeting or the Children's Hearing shall direct the Principal Reporter to advise the local authority of that appointment.

Effective participation

3B.— A person's ability to effectively participate in a Children's Hearing may be affected, in particular, by—

- (a) the complexity of the case, including the points of law in issue;
- (b) the nature of the issues involved;
- (c) the ability of the individual, with the assistance of a representative under rule 11 of the 1996 Rules, to consider and challenge any document or information before the Hearing;

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- (d) the ability of the individual, with the assistance of a representative under rule 11 of the 1996 Rules, to present their views in an effective manner.”.