

EXECUTIVE NOTE

THE CHILDREN'S HEARINGS (SCOTLAND) ACT 2011 (RIGHTS OF AUDIENCE OF THE PRINCIPAL REPORTER) REGULATIONS 2012

SSI 2012/335

The above instrument is made in exercise of the powers conferred by section 19 of the Children's Hearings (Scotland) Act 2011.

These Regulations make provision empowering the Principal Reporter (and any reporter carrying out functions on behalf of the Principal Reporter under paragraph 10 of Schedule 3 of the 2011 Act) to conduct proceedings before the Sheriff or Sheriff Principal. They also set out the qualifications, experience and training required before conducting those proceedings.

These regulations will replace the Reporters (Conduct of Proceedings before the Sheriff) (Scotland) Regulations 1997 (SI No. 714), which will be revoked when the 2011 Act is fully in force.

Policy objectives

Under the 1997 regulations, all reporters, whether legally qualified or not, are empowered to conduct proceedings before the sheriff or sheriff principal where they have the requisite experience of having been a reporter for one year. The new regulations introduce changes to the level of experience required, as well as a new requirement for reporters to have undertaken training in court skills and advocacy.

Where a reporter is not an advocate or a solicitor, regulation 3(3) provides that experience of being a reporter for one year must have been gained before appearing before a sheriff. Regulation 4(3) provides that where a reporter is not an advocate or solicitor, experience of being a reporter for 2 years must have been gained before appearing before a sheriff principal.

Previously, reporters who were advocates or solicitors also had to have been a reporter for one year before appearing before the sheriff or sheriff principal. This is no longer considered appropriate. Under regulations 3(4) and 4(4), reporters who are legally qualified are no longer required to have gained experience as a reporter before appearing before a sheriff or sheriff principal.

Regulation 5 provides that all reporters, irrespective of whether they are legally qualified or not, must have undertaken training in court skills and advocacy before appearing before a sheriff or sheriff principal.

Commencement Date

These regulations will come into force at the same time as s.19 of the 2011 Act.

Consultation

There has been an open public consultation on this instrument which ran for 13 weeks from 31 October 2011 to 27 January 2012. A total of 5 responses were received to that consultation and the instrument was re-drafted, as appropriate, to take account of comments made.

Impact assessments

There are no equality impact issues.

Financial effects

The regulations would not impose any additional costs on local authorities or any other bodies, individuals or businesses.

**Scottish Government
Children and Families Directorate.**

6th December 2012