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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 194**

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

**PART 17**

Procedure at other children's hearings

**Procedure where advice required under section 49 (reference or remit to children's hearing)  
of the Criminal Procedure (Scotland) Act 1995**

**75.**—(1) This rule applies where a children's hearing is held following a request to the Reporter under section 49(1)(b), (3) or (6) of the Criminal Procedure (Scotland) Act 1995<sup>(1)</sup>.

(2) The chairing member—

- (a) must inform those present at the hearing of the substance of any relevant report or other relevant document;
- (b) must take all reasonable steps to obtain the views of the child, each relevant person and any appointed safeguarder in relation to—
  - (i) any report, document or matter being considered by the hearing; and
  - (ii) what, if any, advice or measures would be in the best interests of the child;
- (c) may invite any other person present at the hearing, as the children's hearing considers appropriate, to express their views on, or provide any other information relevant to, any matter or advice being considered by the hearing; and
- (d) must confirm to the child, each relevant person, and any appointed safeguarder the advice to be given to the court.

(3) The chairing member must—

- (a) make, or cause to be made, a report of the advice;
- (b) sign and date the report; and
- (c) give the report to the Reporter at the conclusion of the hearing.

(4) As soon as possible following receipt of the report the Reporter must give a copy of the report to—

- (a) the child;
- (b) each relevant person;
- (c) any appointed safeguarder;
- (d) the court which made the request for advice under section 49 of the Criminal Procedure (Scotland) Act 1995;
- (e) the chief social work officer of the relevant local authority for the child.

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**Status:** *This is the original version (as it was originally made).*

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