
STATUTORY INSTRUMENTS

1996 No. 1199 (S.121)

CHILDREN AND YOUNG PERSONS

The Children's Hearings (Scotland) Amendment Rules 1996

Made - - - - *26th April 1996*

Coming into force - - *1st October 1996*

The Secretary of State, in exercise of the powers conferred on him by sections 35(4) and 36(8) of the Social Work (Scotland) Act 1968(1) and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals, hereby makes the following rules:—

Citation and commencement

1. These rules may be cited as the Children's Hearings (Scotland) Amendment Rules 1996 and shall come into force on 1st October 1996.

Provision of relevant documents to parents

2. In rule 6 of the Children's Hearings (Scotland) Rules 1986(2), after paragraph (2) there shall be inserted the following paragraphs—

“(2A) Subject to paragraph (2B) below, where the Principal Reporter gives a copy of any document to the chairman and members of the children's hearing under paragraph (1) above, or makes available to them information or any document or copy thereof under paragraph (2) above, he shall at the same time give a copy of the document or, as the case may be, make available the information or a copy of the document, to each parent of the child whose case is to be considered at the children's hearing.

(2B) Where a children's hearing is arranged to continue consideration of the case of a child by virtue of rule 10, the obligation of the Principal Reporter under paragraph (2A) above to make available information or a copy of any document to each parent of the child shall apply only in respect of any information or document which has not already been made available to each parent under that paragraph.”.

(1) 1968 c. 49; section 36(8) of the Act was amended by paragraph 76(12)(e) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39).
(2) S.I.1986/2291.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
26th April 1996

James Douglas-Hamilton
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Rules)

These rules amend the Children's Hearings (Scotland) Rules 1986 in connection with the provision of documents and information for the purposes of a children's hearing.

Rule 2 provides for a new obligation on the Principal Reporter to give to each parent of a child whose case is to be considered by the children's hearing a copy of any document, or information, at the same time as the document or information is being given to members of the children's hearing. In the case of a hearing to continue consideration of the case, provision is made to apply that obligation only in respect of documents or information not already given to each parent.

Section 183(5) and (6) of the Local Government etc. (Scotland) Act 1994 applies to the existing provisions of the 1986 Rules, so that any reference in these Rules to a reporter appointed under section 36 of the Social Work (Scotland) Act 1968 is to be construed on and after 1st April 1996 as a reference to the Principal Reporter.