
STATUTORY INSTRUMENTS

1996 No. 3261

Children's Hearings (Scotland) Rules 1996

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

Procedure relating to warrants, orders, and to requirements under section 69(3) of the Act

26.—(1) Where a children's hearing consider in relation to a child the question whether they should—

- (a) issue or continue a warrant or order under any of the following provisions of the Act:—
 - section 45(4) and (5) (warrants to find child, keep in a place of safety and bring before a hearing);
 - section 59(4) (continuation of child protection order);
 - section 63(5) (warrant to keep child in place of safety following arrest);
 - section 66(1) and (5) (warrants where children's hearing unable to dispose of case);
 - section 69(4) (warrant for fulfilment of requirement to attend or reside at clinic, hospital, etc); and
 - section 69(7) (warrant to take child to and keep in place of safety while case continued under section 59(4) of the Act).
- (b) continue under section 59(4) of the Act any direction given under section 58 (direction as to parental responsibilities or parental rights when child protection order made); or
- (c) issue a warrant under the 1996 Regulations;
- (d) make a requirement under section 69(3) of the Act (requirement to reside at clinic, etc.),

the children's hearing shall, before they make a decision to issue that warrant or as the case may be that requirement, take steps under rule 15 to obtain the views of the child, and endeavour to obtain the views of any relevant person and of any safeguarder, if attending the hearing, on what arrangements would be in the best interests of the child.

(2) Where a children's hearing have issued or, as the case may be, continued such a warrant, order, discretion or requirement as is mentioned in paragraph (1), the Principal Reporter shall send as soon as reasonably practicable to the child, any relevant person and any safeguarder appointed in the proceedings—

- (a) a copy of the warrant, continuation of the warrant, continuation of the order, or requirement and a copy of the statement of the reasons for the decision; and
- (b) notice of the right of the child, or, as the case may be, the relevant person under section 51 of the Act to appeal to the sheriff against the decision.