



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 1

THE NATIONAL CONVENER AND CHILDREN'S HEARINGS SCOTLAND

The National Convener and CHS

1 The National Convener

- (1) There is to be an officer to be known as the National Convener of Children's Hearings Scotland (referred to in this Act as “the National Convener”).
- (2) The Scottish Ministers are to appoint a person as the first National Convener.
- (3) The Scottish Ministers must take reasonable steps to involve persons who are under 21 years of age in the process for selection of a person for appointment under subsection (2).
- (4) The period for which the person is appointed is 5 years.
- (5) The terms and conditions on which the person holds and vacates office are to be determined by the Scottish Ministers.

Commencement Information

11 S. 1 in force at 19.1.2011 by [S.S.I. 2011/8](#), [art. 2\(a\)](#)

2 Children's Hearings Scotland

There is established a body corporate to be known as Children's Hearings Scotland (referred to in this Act as “CHS”).

Commencement Information

12 S. 2 in force at 18.4.2011 by [S.S.I. 2011/111](#), [art. 2](#), [Sch.](#)

Status: Point in time view as at 18/04/2011. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Part 1 is up to date with all changes known to be in force on or before 18 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

3 Further provision about National Convener and CHS

Schedule 1 makes further provision about the National Convener and CHS.

Commencement Information

I3 S. 3 in force at 18.4.2011 for specified purposes by [S.S.I. 2011/111](#), art. 2, [Sch.](#)

VALID FROM 19/09/2012

The Children's Panel

4 The Children's Panel

- (1) The National Convener must appoint persons to be members of a panel to be known as the Children's Panel.
- (2) The National Convener must endeavour to ensure that—
 - (a) the number of persons that the National Convener considers appropriate is appointed, and
 - (b) the panel includes persons from all local authority areas.
- (3) Schedule 2 makes further provision about the Children's Panel.

VALID FROM 31/03/2013

Children's hearings

VALID FROM 24/06/2013

5 Children's hearing

A children's hearing consists of three members of the Children's Panel selected in accordance with section 6 for the purpose of carrying out functions conferred on a children's hearing by virtue of this Act or any other enactment.

6 Selection of members of children's hearing

- (1) This section applies where a children's hearing requires to be arranged by virtue of, or for the purposes of, this Act or any other enactment.
- (2) The members of the children's hearing are to be selected by the National Convener.
- (3) The National Convener must ensure that the children's hearing—
 - (a) includes both male and female members of the Children's Panel, and

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- (b) so far as practicable, consists only of members of the Children's Panel who live or work in the area of the local authority which is the relevant local authority for the child to whom the hearing relates.
- (4) The National Convener may select one of the members of the children's hearing to chair the hearing.

VALID FROM 24/06/2013

7 Holding of children's hearing

The National Convener must ensure that a children's hearing is held for the purpose of carrying out any function conferred on a children's hearing by virtue of this Act or any other enactment.

VALID FROM 24/06/2013

8 Provision of advice to children's hearing

- (1) The National Convener may provide advice to children's hearings about any matter arising in connection with the functions conferred on children's hearings by virtue of this Act or any other enactment.
- (2) The National Convener may in particular provide—
- (a) legal advice,
 - (b) advice about procedural matters,
 - (c) advice about the consequences of decisions of the children's hearing,
 - (d) advice about how decisions of children's hearings are implemented.
- (3) In this section, “children's hearing” includes pre-hearing panel.

VALID FROM 24/06/2013

9 Independence of children's hearings

Nothing in this Act authorises the National Convener or the Principal Reporter to direct or guide a children's hearing in carrying out the functions conferred on children's hearings by virtue of this Act or any other enactment.

Power to change National Convener's functions

10 Power to change National Convener's functions

- (1) The Scottish Ministers may by order—
- (a) confer additional functions on the National Convener,
 - (b) remove functions from the National Convener,

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- (c) transfer functions from another person to the National Convener,
 - (d) transfer functions from the National Convener to another person,
 - (e) specify the manner in which, or period within which, any function conferred on the National Convener by virtue of this Act is to be carried out.
- (2) An order under this section is subject to the super-affirmative procedure (other than an order under subsection (1)(e), which is subject to the affirmative procedure).

Commencement Information

I4 S. 10 in force at 18.4.2011 by [S.S.I. 2011/111](#), art. 2, [Sch.](#)

Functions of CHS

11 Provision of assistance to National Convener

CHS must—

- (a) assist the National Convener in carrying out the functions conferred on the National Convener by virtue of this Act or any other enactment,
- (b) facilitate the carrying out of those functions.

Commencement Information

I5 S. 11 in force at 18.4.2011 by [S.S.I. 2011/111](#), art. 2, [Sch.](#)

12 Independence of National Convener

- (1) Nothing in this Act authorises CHS or any other person to direct or guide the National Convener in carrying out the functions conferred on the National Convener by virtue of this Act or any other enactment.
- (2) This section is subject to section 10(1)(e).

Commencement Information

I6 S. 12 in force at 18.4.2011 by [S.S.I. 2011/111](#), art. 2, [Sch.](#)

13 Directions

- (1) The Scottish Ministers may give CHS general or specific directions about the carrying out of its functions.
- (2) CHS must comply with a direction under subsection (1).
- (3) The Scottish Ministers may vary or revoke a direction under subsection (1) by giving a subsequent direction under that subsection.

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Commencement Information

I7 S. 13 in force at 18.4.2011 by [S.S.I. 2011/111](#), art. 2, [Sch.](#)

Status:

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