



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 1

THE NATIONAL CONVENER AND CHILDREN'S HEARINGS SCOTLAND

Children's hearings

5 Children's hearing

[^{F1}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.]

[^{F1}(1) 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]

[^{F2}(2) But a children's hearing may consist of fewer than three members where it is not practicable for the children's hearing to consist of three members.]

Textual Amendments

- F1** S. 5 renumbered as s. 5(1) (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 3 para. 1\(2\)\(a\)](#) (with ss. 11-13) (which affecting provision expires (30.9.2021 at the end of the day) by [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), ss. 2(1)(3), 11(2))
- F2** S. 5(2) inserted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 3 para. 1\(2\)\(b\)](#) (with ss. 11-13) (which affecting provision expires (30.9.2021 at the end of the day) by [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), ss. 2(1)(3), 11(2))

Modifications etc. (not altering text)

- C1** S. 5 applied by [1985 c. 60, s. 20\(6\)](#) (as inserted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Consequential and Transitional Provisions and Savings\) Order 2013 \(S.I. 2013/1465\)](#), art. 1(2), [Sch. 1 para. 1\(2\)](#))

Commencement Information

- I1** S. 5 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

Status: Point in time view as at 07/04/2020.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Cross Heading: Children's hearings is up to date with all changes known to be in force on or before 18 January 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)

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) [^{F3}so far as practicable,] includes both male and female members of the Children's Panel, and
 - (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.

[^{F4}(5) In this section “children’s hearing” includes a pre-hearing panel.]

Textual Amendments

- F3** Words in s. 6(3)(a) inserted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\), s. 17\(1\), sch. 3 para. 1\(3\)](#) (with [ss. 11-13](#)) (which affecting provision expires (30.9.2021 at the end of the day) by virtue of [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\), ss. 2\(1\)\(3\), 11\(2\)](#))
- F4** S. 6(5) inserted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\), art. 1, Sch. 1 para. 20\(2\)](#)

Commencement Information

- I2** S. 6 in force at 31.3.2013 by [S.S.I. 2013/98, art. 2, Sch.](#)

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.

Commencement Information

- I3** S. 7 in force at 24.6.2013 by [S.S.I. 2013/195, arts. 2, 3](#)

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.

Status: Point in time view as at 07/04/2020.

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(3) In this section, “children's hearing” includes pre-hearing panel.

Commencement Information

I4 S. 8 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

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.

Commencement Information

I5 S. 9 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

Status:

Point in time view as at 07/04/2020.

Changes to legislation:

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