



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 7

ATTENDANCE AT CHILDREN'S HEARING

78 Rights of certain persons to attend children's hearing

- (1) The following persons have a right to attend a children's hearing—
 - (a) the child (whether or not the child has been excused from attending),
 - (b) a person representing the child,
 - (c) a relevant person in relation to the child (unless that person is excluded under section 76(2)),
 - (d) a person representing a relevant person in relation to the child (unless that person is excluded under section 77(2)),
 - (e) the Principal Reporter,
 - (f) if a safeguarder is appointed under this Act in relation to the child, the safeguarder,
 - ^{F1}(g)
 - (h) a member of an area support team (acting in that person's capacity as such),
 - (i) subject to subsection (5), a representative of a newspaper or news agency.
- (2) No other person may attend a children's hearing unless—
 - (a) the person's attendance at the hearing is considered by the chairing member of the children's hearing to be necessary for the proper consideration of the matter before the children's hearing,
 - (b) the person is otherwise granted permission to attend by the chairing member of the children's hearing, or
 - (c) the person is authorised or required to attend by virtue of rules under section 177.
- (3) The chairing member may not grant permission to a person under subsection (2)(b) if the child or a relevant person in relation to the child objects to the person attending the children's hearing.
- (4) The chairing member must take all reasonable steps to ensure that the number of persons present at a children's hearing at the same time is kept to a minimum.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 78 is up to date with all changes known to be in force on or before 27 May 2023. 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) [View outstanding changes](#)

- (5) The children's hearing may exclude a representative of a newspaper or news agency from any part of the hearing where it is satisfied that—
- (a) it is necessary to do so to obtain the views of the child, or
 - (b) the presence of that person is causing, or is likely to cause, significant distress to the child.
- (6) Where a person is excluded under subsection (5), after the exclusion has ended, the chairing member may explain to the person, where appropriate to do so, the substance of what has taken place in the person's absence.

[^{F2}(7) In this section “children’s hearing” includes a pre-hearing panel.]

Textual Amendments

- F1** S. 78(1)(g) omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), **Sch. para. 42**
- F2** S. 78(7) 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(9)**
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Commencement Information

- I1** S. 78 in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)