



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 8

PRE-HEARING PANEL

79 Referral of certain matters for pre-hearing determination

(1) [^{F1}Subsections (2) to (5) apply] where a children's hearing is to be held in relation to a child by virtue of section 69(2) or Part 9 to 11 or 13.

[^{F2}(1A) Subsection (5A) applies (in addition to subsections (2) to (5)) where the children's hearing is—

- (a) a subsequent children's hearing under Part 11, or
- (b) held for the purposes of reviewing a compulsory supervision order.]

(2) The Principal Reporter—

- (a) must refer the matter of whether a particular individual should be deemed to be a relevant person in relation to the child for determination by three members of the Children's Panel selected by the National Convener (a “pre-hearing panel”) if requested to do so by—
 - (i) the individual in question,
 - (ii) the child, or
 - (iii) a relevant person in relation to the child,
- (b) may refer that matter for determination by a pre-hearing panel on the Principal Reporter's own initiative,
- (c) may refer a matter of a type mentioned in subsection (3) for determination by a pre-hearing panel—
 - (i) on the Principal Reporter's own initiative, or
 - (ii) following a request to the Principal Reporter from the child, a relevant person in relation to the child, or if a safeguarder has been appointed for the child, the safeguarder.

[^{F3}(2A) A pre-hearing panel may consist of fewer than three members where it is not practicable for the pre-hearing panel to consist of three members.]

(3) Those matters are—

Status: Point in time view as at 07/04/2020. This version of this provision has been superseded.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 79 is up to date with all changes known to be in force on or before 23 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)

- (a) whether the child should be excused from attending the children's hearing,
 - (b) whether a relevant person in relation to the child should be excused from attending the children's hearing,
 - (c) whether it is likely that the children's hearing will consider making a compulsory supervision order including a secure accommodation authorisation in relation to the child,
 - (d) a matter specified in rules under section 177(2)(a).
- (4) For the purposes of subsection (3)(a), the pre-hearing panel may excuse the child from attending the children's hearing only if—
- (a) the pre-hearing panel is satisfied that any of paragraphs (a) to (c) of section 73(3) applies, or
 - (b) the child may be excused under rules under section 177.
- (5) For the purposes of subsection (3)(b), the pre-hearing panel may excuse a relevant person in relation to the child from attending the children's hearing only if—
- (a) the pre-hearing panel is satisfied that section 74(3)(a) or (b) applies, or
 - (b) the relevant person may be excused under rules under section 177.
- [^{F4}(5A) The Principal Reporter—
- (a) must refer the matter of whether an individual deemed to be a relevant person by virtue of section 81 should continue to be deemed to be a relevant person in relation to the child for determination by a pre-hearing panel if requested to do so by—
 - (i) the individual so deemed,
 - (ii) the child, or
 - (iii) a relevant person in relation to the child,
 - (b) may refer that matter for determination by a pre-hearing panel on the Principal Reporter's own initiative.]
- (6) A member of the Children's Panel selected for a pre-hearing panel may (but need not) be a member of the children's hearing.

Textual Amendments

- F1** Words in s. 79(1) substituted (26.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [ss. 84\(2\)\(a\)](#), 102(3); [S.S.I. 2014/353](#), art. 2(2)(3), Sch.
- F2** S. 79(1A) inserted (26.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [ss. 84\(2\)\(b\)](#), 102(3); [S.S.I. 2014/353](#), art. 2(2)(3), Sch.
- F3** S. 79(2A) inserted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 3 para. 1\(4\)](#) (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) (with [sch. para. 1](#)))
- F4** S. 79(5A) inserted (26.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [ss. 84\(2\)\(e\)](#), 102(3); [S.S.I. 2014/353](#), art. 2(2)(3), Sch.

Commencement Information

- I1** S. 79 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. This version of this provision has been superseded.

Changes to legislation:

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