

## SCHEDULE 3 CHILDREN AND VULNERABLE ADULTS

### PART 1

#### CHILDREN

##### *Requirements as to members of children's hearings*

- 1 (1) The Children's Hearings (Scotland) Act 2011 applies in accordance with the modifications in sub-paragraphs (2) to (4).
- (2) Section 5 (children's hearing) has effect as if—
  - (a) the existing text were subsection (1),
  - (b) after that subsection there were inserted—

“(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.”.
- (3) Section 6(3) (selection of members of children's hearing) has effect as if at the beginning of paragraph (a) there were inserted “so far as practicable,”.
- (4) Section 79 (referral of certain matters for pre-hearing determination) has effect as if after subsection (2) there were inserted—

“(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.”.
- (5) The Children's Hearings (Scotland) Act 2011 (Safeguarders: Further Provision) Regulations 2012 ([S.S.I. 2012/336](#)) apply in accordance with the modification in sub-paragraph (6).
- (6) Regulation 9(2)(d) (access to safeguarder reports) has effect as if for “the three members” there were substituted “the members”.
- (7) The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 ([S.S.I. 2013/194](#)) apply in accordance with the modifications in sub-paragraphs (8) and (9).
- (8) Rule 3(2) (selection of members of pre-hearing panel) has effect as if in sub-paragraph (a) there were inserted at the beginning “so far as practicable,”.
- (9) Each of the following rules has effect as if for “the three members” there were substituted “the members”—
  - rule 25,
  - rule 26(4)(d),
  - rule 28(1) and (2),
  - rule 29(3)(e),
  - rule 30(3)(d),
  - rule 32(1),
  - rule 33(3)(e),
  - rule 35(1),

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*Status: This is the original version (as it was originally enacted).*

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rule 36(3)(e),  
rule 39(3)(g),  
rule 40(2)(h),  
rule 41(3)(d),  
rule 42(2)(h),  
rule 43(3)(d),  
rule 44(2)(d),  
rule 45(2)(f),  
rule 46(2)(d),  
rule 46A(2)(d),  
rule 52(2)(f),  
rule 56(3)(a),  
rule 71(2)(h),  
rule 76(2)(d),  
rule 94(3)(g).