



# 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

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.

#### **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**

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

#### 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) [<sup>F1</sup>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.

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*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 25 December 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*

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(4) The National Convener may select one of the members of the children's hearing to chair the hearing.

[<sup>F2</sup>(5) In this section “children’s hearing” includes a pre-hearing panel.]

#### Textual Amendments

- F1** Words in s. 6(3)(a) inserted (1.11.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022](#) (asp 8), **ss. 42(2), 59(1)**
- F2** 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.
- (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.

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**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 25 December 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](#)

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**Commencement Information**

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

**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 25 December 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.

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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\(5\)\(b\)](#)