



# 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.

#### **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) 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.

#### **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.

## **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.

## **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.