



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 8

#### PRE-HEARING PANEL

#### **79 Referral of certain matters for pre-hearing determination**

- (1) This section applies 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.
- (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.
- (3) Those matters are—
  - (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).

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*Status: This is the original version (as it was originally enacted).*

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- (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.
- (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.