
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

**The Children's Hearings (Scotland) Act 2011 (Rules
of Procedure in Children's Hearings) Rules 2013**

PART 7

Specific provision for arranging grounds hearings

Provision of information for a grounds hearing where section 69(3) (determination under section 66: referral to children's hearing) of the Act applies or following the making of a child protection order under section 38 (consideration by sheriff: application by local authority only) or 39 (consideration by sheriff: application by local authority or other person) of the Act

- 29.**—(1) This rule applies where—
- (a) section 69(3) of the Act applies; or
 - (b) following receipt of a notice under section 43 (notice of child protection order) of the Act of the making of a child protection order the Reporter is required to arrange a children's hearing under section 69(2) of the Act which is to be held no later than—
 - (i) where the order contains an authorisation of the type mentioned in section 37(2) (b) (child protection orders) of the Act, the end of the period of 8 working days beginning on the day the child was removed to a place of safety; or
 - (ii) where the order does not contain such an authorisation, the end of the period of 8 working days beginning on the day the order was made.
- (2) As soon as practicable before the beginning of the grounds hearing, the Reporter must notify the persons mentioned in paragraph (3) of the date, time and place of the hearing.
- (3) Those persons are—
- (a) the child;
 - (b) each relevant person;
 - (c) any appointed safeguarder;
 - (d) any individual other than a relevant person who appears to the Reporter to have or recently have had significant involvement in the upbringing of the child;
 - (e) the three members of the children's hearing;
 - (f) the National Convener.
- (4) As soon as practicable before the beginning of the hearing, the Reporter must give to the persons mentioned in paragraph (3)(a) to (c) such of the information mentioned in paragraph (5) as is available.
- (5) That information is the information mentioned in rules 23, 26, 27 and where applicable rule 30.

(6) As soon as practicable before the beginning of the hearing, the Reporter must give to the persons mentioned in paragraph (3)(e) the information mentioned in paragraph (7) as is available.

(7) That information is—

- (a) the information mentioned in rules 26, 28 and where applicable rule 30;
- (b) a copy of any relevant child protection order made in relation to the child under section 38 or 39 of the Act.

(8) As soon as practicable before the beginning of the hearing, the Reporter must give to the persons mentioned in paragraph (3)(d) the information mentioned in rule 24.