
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

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

PART 16

Procedure where Part 10 of these Rules applies

Procedure where rule 37 applies

68.—(1) This rule applies where rule 37 applies.

(2) In relation to the further grounds hearing referred to in rule 37, section 91 (grounds accepted: powers of grounds hearing) of the Act applies as if for subsections (2) and (3) there were substituted—

“(2) The grounds hearing is to be treated as if it were a hearing to which section 119 of the Act applies.”.

(3) Where the further grounds hearing proceeds under section 93(2)(a) (grounds not accepted: application to sheriff or discharge) or 94(2)(a) (child or relevant person unable to understand grounds) of the Act, sections 93 (grounds not accepted: application to sheriff or discharge) and 96 (children's hearing to consider need for further interim compulsory supervision order) of the Act apply as if they were modified as follows—

(a) in section 93 of the Act—

(i) after subsection (4) there were inserted—

“(4A) Subsection (5) applies if immediately before the grounds hearing an interim compulsory supervision order was not in force in relation to the child.”; and

(ii) after subsection (5) there were inserted—

“(5A) Subsection (5B) applies if immediately before the grounds hearing an interim compulsory supervision order was in force in relation to the child.

(5B) If the children's hearing is satisfied that the nature of the child's circumstances is such that for the protection, guidance, treatment or control of the child it is necessary that a further interim compulsory supervision order be made, the children's hearing may make a further interim compulsory supervision order in relation to the child.”.

(iii) in subsection (6) after “subsection (5)” there were inserted “or (5B)”;

(b) in section 96 of the Act in subsection (1)(a) for “a grounds hearing” there were substituted “or 93(5B) a grounds hearing”.

(4) Where the further grounds hearing proceeds under section 93(2)(b) or 94(2)(b) of the Act the children's hearing may proceed, where appropriate, as if the hearing was a hearing to which section 119 (children's hearing following deferral or proceedings under Part 10) applies in relation to any section 67 ground previously accepted or determined by the sheriff to be established under

section 108 (determination: ground established) or 117 (new section 67 ground established: sheriff to refer to children's hearing) of the Act.

(5) In paragraph (4) "accepted" has the same meaning as in section 93(7) (grounds not accepted: application to sheriff or discharge) of the Act.

Procedure where rule 38 applies

69.—(1) This rule applies where rule 38 applies.

(2) Where the further grounds hearing proceeds under section 93(2)(a) (grounds not accepted: application to sheriff or discharge) or 94(2)(a) (child or relevant person unable to understand grounds) of the Act the grounds hearing may continue the compulsory supervision order until the subsequent children's hearing.

(3) Where the further grounds hearing proceeds under section 93(2)(b) or 94(2)(b) of the Act the children's hearing may proceed, where appropriate, to review the compulsory supervision order under section 138 (powers of children's hearing on review) of the Act.