
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

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

PART 8

Specific provision for arranging a children's hearing to be held under section 119
(children's hearing following deferral or proceedings under Part 10) of the Act

**Provision of information to the child, relevant persons and any appointed safeguarder for a
children's hearing to which section 119 (children's hearing following deferral or proceedings
under Part 10) of the Act applies**

31.—(1) Where the Reporter is required to arrange a children's hearing to which section 119 of
the Act applies, as soon as practicable, and at least 3 days before the intended date of the children's
hearing, the Reporter must give to the following persons the information mentioned in paragraph (2)
—

- (a) the child;
 - (b) each relevant person;
 - (c) any appointed safeguarder (except the information mentioned in paragraph (2)(a)).
- (2) That information is—
- (a) any available report or interim report prepared by the safeguarder under section 33(1)(a)
or (c) (functions of safeguarder) of the Act or these Rules;
 - (b) any report prepared by the local authority;
 - (c) a copy of any relevant direction by a sheriff under section 108 (determination: ground
established), 115 (recall: power to refer other grounds) or 117 (new section 67 ground
established: sheriff to refer to children's hearing) of the Act;
 - (d) a copy of any relevant remit by a court under section 49 (reference or remit to children's
hearing) of the Criminal Procedure (Scotland) Act 1995(1);
 - (e) a copy of any relevant statement by a sheriff under section 12(1B) (sheriff's power to refer
case to children's hearing) of the Antisocial Behaviour etc. (Scotland) Act 2004(2);
 - (f) a copy of any relevant requirement made by a sheriff under section 156(3)(a)
(determination of appeal) of the Act;
 - (g) copies of all decisions and reasons for those decisions made by all pre-hearing panels and
children's hearings arranged in relation to the child;
 - (h) any other report, document or information relevant to the matter to be considered by the
children's hearing.
- (3) This rule does not apply where rule 33 applies.

(1) 1995 c.46.

(2) 2004 asp 8. Section 12(1B) was inserted by paragraph 3 of Schedule 5 to the Act.

Information to be given to the members of the children's hearing to which section 119 (children's hearing following deferral or proceedings under Part 10) of the Act applies

32. Where rule 31 applies, wherever practicable 7 days before, and no later than 3 days before, the intended date of the children's hearing the Reporter must give to the three members of the children's hearing—

- (a) a copy of the statement of grounds;
- (b) any available report or interim report prepared by the appointed safeguarder under section 33(1)(a) or (c) (functions of safeguarder) of the Act or these Rules;
- (c) any report prepared by the local authority;
- (d) a copy of any relevant direction by a sheriff under section 108 (determination: ground established), 115 (recall: power to refer other grounds) or 117 (new section 67 ground established: sheriff to refer to children's hearing) of the Act;
- (e) a copy of any relevant remit by a court under section 49 (reference or remit to children's hearing) of the Criminal Procedure (Scotland) Act 1995;
- (f) a copy of any relevant statement by a sheriff under section 12(1B) (sheriff's power to refer case to children's hearing) of the Antisocial Behaviour etc. (Scotland) Act 2004;
- (g) a copy of any relevant requirement made by a sheriff under section 156(3)(a) (determination of appeal) of the Act;
- (h) copies of all decisions and reasons for those decisions made by all pre-hearing panels and children's hearings arranged in relation to the child;
- (i) a copy of any decision of a pre-hearing panel or children's hearing held in relation to the child and the reasons for that decision;
- (j) any other report, document or information relevant to the matter to be considered by the children's hearing;
- (k) a copy of any relevant child protection order made in relation to the child 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.

(2) This rule does not apply where rule 33 applies.

Provision of information for children's hearing to which section 119 (children's hearing following deferral or proceedings under Part 10) of the Act applies where section 109(7) (determination: power to make interim compulsory supervision order etc.), 115(5) (recall: power to refer other grounds) or 117(5) (new section 67 ground established: sheriff to refer to children's hearing) of the Act also applies.

33.—(1) This rule applies where section 109(7), 115(5) or 117(5)(3) of the Act applies.

(2) As soon as practicable before the beginning of the children's 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;

(3) Section 115(5) and 117(5) are inserted into the Act by the Children's Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 (S.S.I. 2013/).

(e) the three members of the children's hearing.

(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 rules 23, 26 and 31 as is available.

(5) As soon as practicable before the beginning of the hearing, the Reporter must give to the persons mentioned in paragraph (3)(e) such of the information mentioned in rules 26 and 32 as is available.

(6) 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.