
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 336

**The Children's Hearings (Scotland) Act 2011
(Safeguarders: Further Provision) Regulations 2012**

Termination of safeguarders' appointments – appointment by children's hearing, pre-hearing panel or sheriff

- 3.—(1) This regulation applies where a safeguarder is appointed in relation to a child by—
- (a) a children's hearing or pre-hearing panel under section 30 (children's hearing: duty to consider appointing safeguarder) or section 82 (appointment of safeguarder), as the case may be, of the Act;
 - (b) a sheriff under section 31 of the Act (sheriff: duty to consider appointing safeguarder) in respect of proceedings before the sheriff under Part 10 of the Act; or
 - (c) a sheriff under section 31 of the Act in respect of an appeal made under section 154 of the Act (appeal to sheriff against decision of children's hearing).
- (2) The appointment of the safeguarder ceases on the occurrence of whichever of the following events first occurs—
- (a) the expiry of the time allowed to appeal against the decision of a children's hearing to discharge the referral of the child without an appeal being lodged by any person entitled under section 154 of the Act to appeal that decision;
 - (b) the expiry of the time allowed to appeal against the decision to make a compulsory supervision order in respect of the child without an appeal having been lodged by any person entitled under section 154 of the Act to appeal that decision;
 - (c) where a compulsory supervision order is varied or continued in respect of the child by virtue of section 138 of the Act (powers of children's hearing on review), the expiry of the time allowed to appeal against the decision to vary or continue the order without an appeal having been lodged by any person entitled under section 154 of the Act to appeal that decision;
 - (d) where a compulsory supervision order is terminated in respect of the child by virtue of section 138 of the Act, the expiry of the time allowed to appeal against the decision to terminate the order without an appeal having been lodged by any person entitled under section 154 of the Act to appeal that decision;
 - (e) the expiry of the time allowed to appeal against the determination by a sheriff under sections 108 (determination: ground established) or 114 (sheriff's powers on review of grounds determination) of the Act which results in the discharge of the child's referral to a children's hearing, without an appeal having been lodged by any person entitled under section 163 (appeals to sheriff principal and Court of Session: children's hearings etc.) of the Act to appeal that determination;
 - (f) the expiry of the time allowed to appeal against the determination of the sheriff of an appeal under section 154 of the Act in relation to a decision of the children's hearing to make, vary or continue a compulsory supervision order, discharge the referral of the child or terminate the compulsory supervision order in respect of the child without an appeal

having been lodged by any person entitled under section 163 of the Act to appeal that determination, except where paragraph (3) applies;

- (g) the expiry of the time allowed to appeal against the decision of the sheriff principal of an appeal under section 163(1) of the Act in relation to the determination of the sheriff of an appeal under section 154 of the Act of the type mentioned in sub paragraph (f), by any person entitled under section 163(2) of the Act to appeal that decision except where paragraph (3) applies; or
- (h) where any person entitled under section 163 of the Act appeals to the Court of Session against the determination of the sheriff of an appeal under section 154 of the Act of the type mentioned in sub-paragraph (f), or the decision of the sheriff principal in an appeal under section 163(1) of the Act of the type mentioned in sub-paragraph (g), the giving of the decision in the appeal except where paragraph (3) applies.

(3) This paragraph applies where the sheriff requires the Reporter under section 156(3) of the Act to arrange a children's hearing for any purpose for which a hearing can be arranged under the Act.

(4) Where paragraph (3) applies the appointment of the safeguarder will cease on the occurrence of whichever of the events mentioned in paragraph (2) next occurs.