
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 150

The Children's Hearings (Scotland) Act 2011 (Transitional, Savings and Supplementary Provisions) Order 2013

PART 6

**CHILDREN'S LEGAL AID, SAFEGUARDERS
AND LEGAL REPRESENTATIVES**

Persons appointed to safeguard the interests of children and legal representatives

25.—(1) Where on the relevant date a child is subject to ongoing relevant proceedings under the 1995 Act by virtue of article 2 and, in relation to that child, there is appointed either—

- (a) a person to safeguard the interests of that child under section 41 of the 1995 Act (safeguarding child's interests in proceedings); or
- (b) a legal representative under the Children's Hearings (Legal Representation) (Scotland) Rules 2002(1),

that appointment is to continue after the relevant date until the relevant proceedings have concluded.

(2) Where after the relevant date a child is subject to ongoing relevant proceedings under the 1995 Act by virtue of article 2 and a children's hearing, the sheriff or, as the case may be, a business meeting arranged by the Principal Reporter under section 64(1) of the 1995 Act wishes to appoint either—

- (a) a person to safeguard the interests of that child; or
- (b) a legal representative in relation to that child,

such an appointment is to be made either under section 41 of the 1995 Act or, as the case may be, under the Children's Hearings (Legal Representation) (Scotland) Rules 2002.

Panel of Persons to Safeguard the Interests of Children (Scotland) Regulations 2001

26.—(1) The 2001 Regulations(2) are modified in accordance with paragraphs (2) and (3).

(2) With effect from the relevant date, all functions conferred on the chairman of the children's panel by the 2001 Regulations is instead to be exercised by the National Convener of Children's Hearings Scotland appointed under section 1 of the 2011 Act.

(3) For regulation 6(2)(b) and (c) substitute—

- “(b) a member of the Children's Panel appointed by the National Convener by virtue of section 4(1) of the Children's Hearings (Scotland) Act 2011 (asp 1); or
- (c) a member of an area support team established by the National Convener under paragraph 12(1) of schedule 1 to the Children's Hearings (Scotland) Act 2011.”.

(1) S.I. 2002/63, as amended by S.S.I. 2009/211.

(2) S.I. 2001/476, as amended by S.S.I. 2011/320.

Legal Aid for proceedings relating to children

27.—(1) The provisions listed in paragraph (2) are revoked.

(2) The provisions are—

- (a) the Legal Aid (Scotland) (Children) Regulations 1997⁽³⁾;
- (b) regulation 7 of the Legal Aid (Supreme Court) (Scotland) Regulations 2009⁽⁴⁾; and
- (c) regulation 5 of the Advice and Assistance and Legal Aid (Online Applications etc.) (Scotland) Regulations 2011⁽⁵⁾.

⁽³⁾ S.I. 1997/690.

⁽⁴⁾ S.S.I. 2009/312.

⁽⁵⁾ S.S.I. 2011/161.