
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 194

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

PART 12

**Pre-hearing panels and determination of matters
which may be referred to pre-hearing panels**

Provision of information to pre-hearing panel

47.—(1) Where any person [^{F1}with a right to make representations] wishes to make written representations or give any report or other document for the consideration of the pre-hearing panel, as soon as possible and wherever practicable no later than 4 days before the intended date of the pre-hearing panel, that person must give those representations, report or other document to the Reporter.

(2) Subject to the provisions of paragraphs (6) and (7), where the Reporter receives any representations, report or other document under paragraph (1), wherever practicable no later than 3 days before the intended date for the pre-hearing panel the Reporter must give a copy of that information to the persons mentioned in rule 45(2)(a) to (f) [^{F2}, 46(2)(a) to (d) or 46A(2)(a) to (d)], as the case may be, (unless that person gave the information in question to the Reporter).

(3) Where any person [^{F3}with a right to make representations] is unable to attend the pre-hearing panel and wishes to make oral representations for the consideration of the pre-hearing panel that person may make those representations to the Reporter.

(4) The Reporter must make a record of any representations given under paragraph (3) and give a copy of that record to those persons mentioned in rule 45(2)(a) to (f) [^{F4}, 46(2)(a) to (d) or 46A(2)(a) to (d)], as the case may be, as soon as possible before the beginning of the pre-hearing panel.

(5) As soon as possible before the beginning of the pre-hearing panel the Reporter must also give the persons mentioned in rule 45(2)(a) to (f) [^{F5}, 46(2)(a) to (d) or 46A(2)(a) to (d)], as the case may be, any other document, or part of a document, that is relevant to the issues to be determined by the pre-hearing panel and is in the possession of the Reporter.

(6) Where the matter referred to a pre-hearing panel concerns the question of whether a particular person should be deemed to be a relevant person [^{F6}or continue to be deemed to be a relevant person], the obligation under paragraph (2) shall only apply to such material as the Reporter considers relevant to the question of whether that person should be deemed to be a relevant person [^{F6}or continue to be deemed to be a relevant person].

[^{F7}(6A) Where a matter in respect of an individual has been referred to the pre-hearing panel under section 79(2)(ba) or (bb) of the Act, and the individual is not a person referred to in paragraph (8) (a), the Reporter must give to the individual any information (including information contained in a document) that—

- (a) the Reporter is required by this rule to give to a relevant person, and
- (b) is relevant to the matter that has been referred in respect of the individual.]

(7) The provisions of Part 19 of these Rules apply to any representations, report or other document received by the Reporter under paragraph (1) as they apply to any document relating to a children's hearing.

- [^{F8}(8) In this rule, references to a person with a right to make representations refer—
- (a) to the persons mentioned in paragraph (2) of whichever of rules 45, 45A, 46 or 46A applies to the pre-hearing panel, apart from—
 - (i) the members of the pre-hearing panel, and
 - (ii) the National Convener, and
 - (b) to any individual in respect of whom a matter has been referred to the pre-hearing panel under section 79(2)(ba) or (bb) of the Act.]

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| F1 | Words in rule 47(1) substituted (26.7.2021) by <i>The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2021 (S.S.I. 2021/68)</i> , rules 1, 2(15)(a) |
| F2 | Words in rule 47(2) substituted (26.1.2015) by <i>The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2015 (S.S.I. 2015/21)</i> , rules 1(1), 4(9) |
| F3 | Words in rule 47(3) substituted (26.7.2021) by <i>The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2021 (S.S.I. 2021/68)</i> , rules 1, 2(15)(b) |
| F4 | Words in rule 47(4) substituted (26.1.2015) by <i>The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2015 (S.S.I. 2015/21)</i> , rules 1(1), 4(9) |
| F5 | Words in rule 47(5) substituted (26.1.2015) by <i>The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2015 (S.S.I. 2015/21)</i> , rules 1(1), 4(9) |
| F6 | Words in rule 47(6) inserted (26.1.2015) by <i>The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2015 (S.S.I. 2015/21)</i> , rules 1(1), 4(10) |
| F7 | Rule 47(6A) inserted (26.7.2021) by <i>The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2021 (S.S.I. 2021/68)</i> , rules 1, 2(15)(c) |
| F8 | Rule 47(8) inserted (26.7.2021) by <i>The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2021 (S.S.I. 2021/68)</i> , rules 1, 2(15)(d) |

Changes to legislation:

There are currently no known outstanding effects for the The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013, Section 47.