
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 194

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

PART 15

Procedure at grounds hearing and children's hearings to which section 119 (children's hearing following deferral or proceedings under Part 10) or 137 (duty to arrange children's hearing) of the Act applies

Procedure where section 95 (child fails to attend grounds hearing) of the Act applies

64.—(1) Where section 95(1) of the Act applies each member of the children's hearing must state their decision on whether to require the Reporter under section 95(2) of the Act to arrange another grounds hearing and their reasons for that decision.

(2) The chairing member must—

- (a) confirm and explain the decision of the children's hearing; and
- (b) state the reasons for that decision;

(3) Where the children's hearing do not require the Reporter to arrange another grounds hearing under section 95(2) of the Act the children's hearing must discharge the referral.

(4) Where paragraph (3) applies, subject to sections 73 (child's duty to attend children's hearing), 74 (relevant person's duty to attend children's hearing), 75 (power to proceed in absence of relevant person) and 79 (referral of certain matters for pre-hearing determination) of the Act, the chairing member must inform each relevant person and any appointed safeguarder of the right to appeal the children's hearing's decision to discharge the referral under section 154 (appeal to sheriff against decision of children's hearing) of the Act within 21 days of that decision.

[^{F1}(5) Where the children's hearing requires the Reporter to arrange another grounds hearing under section 95(2) of the Act, each member of the children's hearing must—

- (a) state their decision on the exercise of the power conferred by section 95(4) of the Act and the reason for that decision; and
 - (b) where the decision is to make an interim compulsory supervision order, state their decision in relation to any measure to be contained in the order and the reasons for the inclusion of the proposed measure.
- (6) Where paragraph (5) applies, the chairing member must—
- (a) confirm and explain the decision of the children's hearing;
 - (b) state the reasons for that decision; and
 - (c) subject to sections 74 (relevant person's duty to attend children's hearing), 75 (power to proceed in absence of relevant person) and 79 (referral of certain matters for pre-hearing determination) of the Act, inform each relevant person and any safeguarder appointed of the right to appeal the children's hearing's decision to make an interim compulsory

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 64. (See end of Document for details)*

supervision order under section 154 (appeal to sheriff against decision of children's hearing) within 21 days of that decision.]

Textual Amendments

- F1** Rule 64(5)(6) inserted (26.1.2015) by [The Children's Hearings \(Scotland\) Act 2011 \(Rules of Procedure in Children's Hearings\) Amendment Rules 2015 \(S.S.I. 2015/21\)](#), rules 1(1), **6**

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 64.