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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 194**

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

**PART 17**

Procedure at other children's hearings

**Procedure at a children's hearing where a report is required under section 95(2) of the  
Adoption and Children (Scotland) Act 2007 (duty of children's hearing to prepare report for  
court)**

77.—(1) This rule applies where a children's hearing is required to prepare a report by virtue of section 95(2) of the Adoption and Children (Scotland) Act 2007 <sup>M1</sup> (permanence orders – duty of children's hearing to prepare report for court).

(2) The chairing member must explain to the child, any relevant person and any appointed safeguarder the purpose of the report to be prepared.

(3) The report must be prepared when the children's hearing have considered the case of the child and determined whether to make a compulsory supervision order or to vary, or vary and continue, the compulsory supervision order, as the case may be.

(4) Before preparing the report the chairing member must explain to the child, any relevant person and any appointed safeguarder—

- (a) that the hearing has determined to make a compulsory supervision order or to vary, or vary and continue, the compulsory supervision order, as the case may be;
- (b) the reasons for reaching that determination; and
- (c) that the hearing is unable to make a decision to make a compulsory supervision order or to vary, or vary and continue, the compulsory supervision order, pending the decision of the sheriff on the permanence order application or to remit the case under section 96 (application: effect on compulsory supervision order) of the Adoption and Children (Scotland) Act 2007 <sup>M2</sup>.

(5) The chairing member must—

- (a) make, or cause to be made, a report of the advice;
- (b) sign and date the report; and
- (c) give the report to the Reporter.

(6) [<sup>F1</sup>Subject to paragraph (7),] the Reporter must, within 5 days of the hearing, give the report to—

- (a) the court which requires to come to a decision on the permanence order application;
- (b) the child;
- (c) any relevant person;
- (d) any appointed safeguarder;

(e) the chief social work officer of the implementation authority for the child.

[<sup>F2</sup>(7) Where a non-disclosure request made under Part 19 of these Rules has been determined by the children's hearing in relation to information contained in the report and in consequence of that determination the Reporter has, by virtue of rule 15, ensured the removal of that information from the report to be given to a specified person, the Reporter must, within 5 days of the hearing, give to the court mentioned in paragraph (6)(a)—

- (a) the report;
- (b) the redacted report; and
- (c) the details of the determination of the children's hearing of the non-disclosure request made under Part 19 of these Rules and which the Reporter must keep a record of in accordance with rule 13.

(8) In paragraph (7)—

“non-disclosure request” has the meaning given by rule 84(1);

“redacted report” means the report which has had information removed from it by virtue of rule 15, to give effect to a determination of the children's hearing of a non-disclosure request made under Part 19 of these Rules; and

“specified person” is to be construed in accordance with rule 84(1).]

**F1** Words in rule 77(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), 7(1)

**F2** Rule 77(7)(8) 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), 7(2)

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**Marginal Citations**

**M1** [2007 asp 4](#). Section 95 is amended by the Children's Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 (S.S.I. 2013/xxx).

**M2** Section 96 is amended by the Children's Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 (S.S.I. 2013/xxx).

**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 77.