
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 194

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

PART 19

**Procedure at a pre-hearing panel or a children's
hearing where a non-disclosure request is made**

Procedure following receipt of a non-disclosure request made prior to a children's hearing

86.—(1) A children's hearing must, except in the case of a grounds hearing, consider any non-disclosure request made prior to that hearing at the beginning of the children's hearing.

(2) Where a non-disclosure request has been made prior to a grounds hearing, the non-disclosure request may be determined by the grounds hearing before making a decision on whether to make a compulsory supervision order.

(3) Where the children's hearing requires to consider a request in accordance with paragraph (1) or paragraph (2) it may exclude from the children's hearing the person to whom the documents are requested not to be disclosed where it considers that the presence of that person would prevent proper consideration of the non-disclosure request.

(4) The children's hearing must consider and determine the non-disclosure request.

(5) The person excluded under paragraph (3) must be invited to return to the children's hearing and advised of the children's hearing's determination under paragraph (4).

(6) Where the non-disclosure request is rejected under paragraph (4) the children's hearing must ensure that the document or part of the document or information is given to the excluded person at such time, and in such manner, as it considers appropriate having regard to the best interests of the child to whom the hearing relates.

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 86.