
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 194

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

PART 3

**Duties and roles of persons attending or preparing
documents for children's hearings and pre-hearing panels**

Requirement to include child's views in documents

8. Where any document is to be given to members of the children's hearing or pre-hearing panel under, or by virtue of, the Act, or these Rules, the document must contain any views expressed by the child which have been given to the person who has prepared that document.

Duties of safeguarder in respect of information and documents

9.—(1) Any documents which are given to a safeguarder by the Reporter under, or by virtue of, the Act or any other enactment must be kept securely in the safeguarder's custody and returned to the Reporter on the termination of the safeguarder's appointment.

(2) The safeguarder must not cause or permit any information which they have obtained by virtue of their appointment as a safeguarder under the Act to be disclosed, except as permitted by virtue of the Act or any other enactment.

Attendance at children's hearings by member of the Administrative Justice and Tribunals Council or the Scottish Committee of that Council or a member of an Area Support Team

10.—(1) Any documents which are given to members of the children's hearing or pre-hearing panel must be given by the Reporter to any of the following persons attending the children's hearing or pre-hearing panel where that person so requests—

- (a) a member of the Administrative Justice and Tribunals Council or the Scottish Committee of that Council (acting in that person's capacity as such);
- (b) a member of an area support team (acting in that person's capacity as such).

(2) Where documents are given to a person under paragraph (1) those documents must be kept securely in that person's custody and returned to the Reporter at the conclusion of the children's hearing or pre-hearing panel to which they relate.

(3) The person to whom the documents are given under paragraph (1) must not cause or permit any information which they have obtained by virtue of their attendance at a pre-hearing panel or children's hearing to be disclosed, except as permitted by the Act or these Rules.

[^{F1}Role of representatives]

11.—(1) Where [^{F2}a person mentioned in paragraph (3) (referred] to in this rule as “the accompanied person”) is accompanied at a children's hearing or pre-hearing panel by a representative that representative may assist the accompanied person to discuss any issues arising for discussion before the children's hearing or pre-hearing panel.

(2) The right of the accompanied person to be represented at the children's hearing or pre-hearing panel is without prejudice to any right of the accompanied person to legal representation by a solicitor or counsel.

[^{F3}(3) The persons referred to in paragraph (1) are—

- (a) the child,
- (b) any relevant person,
- (c) any person who wants to be deemed to be a relevant person,
- (d) any person who is or wants to be afforded an opportunity to participate in relation to the children’s hearing by virtue of rule 2A.]

Textual Amendments

- F1** Rule 11 title substituted (26.7.2021) by [The Children’s Hearings \(Scotland\) Act 2011 \(Rules of Procedure in Children’s Hearings\) Amendment Rules 2021 \(S.S.I. 2021/68\)](#), rules 1, **2(3)(c)**
- F2** Words in rule 11(1) substituted (26.7.2021) by [The Children’s Hearings \(Scotland\) Act 2011 \(Rules of Procedure in Children’s Hearings\) Amendment Rules 2021 \(S.S.I. 2021/68\)](#), rules 1, **2(3)(a)**
- F3** Rule 11(3) inserted (26.7.2021) by [The Children’s Hearings \(Scotland\) Act 2011 \(Rules of Procedure in Children’s Hearings\) Amendment Rules 2021 \(S.S.I. 2021/68\)](#), rules 1, **2(3)(b)**

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, PART 3.