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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 9**

Specific provision for arranging a children's hearing to which  
section 137 (duty to arrange children's hearing) of the Act applies

**Provision of information to the child and relevant persons for a children's hearing to which  
section 137 (duty to arrange children's hearing) of the Act applies**

**34.**—(1) Where the Reporter is required to arrange a children's hearing by virtue of section 137(2) of the Act, as soon as practicable and no later than 7 days before the intended date of the children's hearing the Reporter must also give to the persons mentioned in paragraph (2) the information mentioned in paragraph (3).

(2) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) any appointed safeguarder.

(3) That information is—

- (a) a copy of the compulsory supervision order to be reviewed;
- (b) copies of all decisions and reasons for those decisions made by all pre-hearing panels and children's hearings arranged in relation to the child;
- (c) a copy of any relevant remit by a court under section 49 (reference or remit to children's hearing) of the Criminal Procedure (Scotland) Act 1995;
- (d) a copy of any relevant requirement by a sheriff under section 12(1A) (sheriff's power to refer case to children's hearing) of the Antisocial Behaviour etc. (Scotland) Act 2004;
- (e) a copy of any relevant requirement made by a sheriff under section 156(3)(a) (determination of appeal) of the Act;
- (f) a copy of any notice by the implementation authority under section 131 (duty of implementation authority to require review) of the Act.

(4) No later than 3 days before the intended date of the hearing the Reporter must also give to the persons mentioned in paragraph (5) the information mentioned in paragraph (6).

(5) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) any appointed safeguarder.

(6) That information is—

- (a) a copy of any available report or interim report prepared by an appointed safeguarder under section 33(1)(a) or (c) (functions of safeguarder) of the Act;
  - (b) a copy of any report or other information provided by the local authority under section 137(4) or (5) (duty to arrange children's hearing) of the Act;
  - (c) a copy of any views of the child given to the Reporter by the child or any other person;
  - (d) a copy of any other report or other document material to the children's hearing's consideration.
- (7) This rule does not apply where rule 36 applies.

**Information to be given to the members of the children's hearing to which section 137 (duty to arrange children's hearing) of the Act applies**

**35.**—(1) Where rule 34 applies no later than 3 days before the intended date of the children's hearing to which section 137 of the Act applies, the Reporter must give to the three members of that children's hearing—

- (a) a copy of the compulsory supervision order to be reviewed;
- (b) copies of all decisions and reasons for those decisions made by all pre-hearing panels and children's hearings arranged in relation to the child;
- (c) a copy of any relevant remit by a court under section 49 (reference or remit to children's hearing) of the Criminal Procedure (Scotland) Act 1995;
- (d) a copy of any relevant requirement by a sheriff under section 12(1A) (sheriff's power to refer case to children's hearing) of the Antisocial Behaviour etc. (Scotland) Act 2004;
- (e) a copy of any relevant requirement made by a sheriff under section 156(3)(a) (determination of appeal) of the Act;
- (f) a copy of any notice by the implementation authority under section 131 (duty of implementation authority to require review) of the Act;
- (g) a copy of any available report or interim report prepared by a safeguarder under section 33(1)(a) or (c) (functions of safeguarder) of the Act;
- (h) a copy of any report or other information provided by the local authority under section 137(4) or (5) (duty to arrange children's hearing) of the Act;
- (i) a copy of any views of the child given to the Reporter by the child or any other person;
- (j) a copy of any other report or other document material to the children's hearing's consideration.

(2) This rule does not apply where rule 36 applies.

**Provision of information for a review hearing where section 136 (duty to initiate review where child transferred) of the Act applies**

**36.**—(1) This rule applies where section 136 of the Act applies.

(2) As soon as practicable before the beginning of the children's hearing, the Reporter must notify the persons mentioned in paragraph (3) of the date, time and place of the hearing.

(3) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) any appointed safeguarder;

[<sup>F1</sup>(ca) any individual who is to be afforded an opportunity to participate in relation to the children's hearing by virtue of rule 2A;]

- (d) any [<sup>F2</sup>other individual] who appears to the Reporter to have or recently have had significant involvement in the upbringing of the child;
- (e) the three members of the children's hearing;
- (f) the National Convener.

(4) As soon as practicable before the beginning of the hearing, the Reporter must give to the persons mentioned in paragraph (3)(a) to (c) such of the information mentioned in rules 23, 26 and 34 as is available.

[<sup>F3</sup>(4A) As soon as practicable before the beginning of the hearing, the Reporter must give to the persons mentioned in paragraph (3)(ca)—

- (a) the information mentioned in rule 23A, and
- (b) any information (including information contained in a document) that—
  - (i) the Reporter is required by these Rules to give to a relevant person, and
  - (ii) is about—
    - (aa) the individual,
    - (bb) contact between the child and the individual, or
    - (cc) how contact or the possibility of contact between the child and the individual may be affected by a decision of the children's hearing.

(4B) But paragraph (4A)(b) does not require the Reporter to give an individual the statement of grounds prepared by the Reporter under section 89 of the Act (Principal Reporter's duty to prepare statement of grounds).]

(5) As soon as practicable before the beginning of the hearing, the Reporter must give to the persons mentioned in paragraph (3)(e) such of the information mentioned in rules 26 and 35 as is available.

(6) As soon as practicable before the beginning of the hearing, the Reporter must give to the persons mentioned in paragraph (3)(d) the information mentioned in rule 24.

[<sup>F4</sup>(7) Where the Reporter is required by these Rules to give a copy of a report or other document to the members of a children's hearing before the hearing begins, the Reporter must also give a copy of the report or other document to—

- (a) the chief social work officer of the relevant local authority for the child, or
- (b) if the child is subject to a compulsory supervision order or an interim compulsory supervision order, the chief social work officer of the implementation authority.

(8) Paragraph (7) does not require the Reporter to give the chief social work officer of an authority a copy of a report or other document prepared, or given to the Reporter, by the authority.]

#### Textual Amendments

- F1** Rule 36(3)(ca) 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(10)(a)(i)**
- F2** Words in rule 36(3)(d) 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(10)(a)(ii)**
- F3** Rule 36(4A)(4B) 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(10)(b)**

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**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 9*. (See end of Document for details)

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| <p><b>F4</b> Rule 36(7)(8) inserted (26.7.2021) by <a href="#">The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2021 (S.S.I. 2021/68)</a>, rules 1, <b>2(10)(c)</b></p> |
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**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 9.