

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Advice and Assistance (Assistance By Way of Representation) (Scotland) Regulations 2003 (“the principal Regulations”) in consequence of amendments made to the Children’s Hearings (Scotland) Act 2011 (“the 2011 Act”) by Part 16 (children’s hearings) of the Children and Young People (Scotland) Act 2014 (“the 2014 Act”).

The principal Regulations provide for Assistance By Way of Representation (“ABWOR”) to be available in relation to the determination, at a pre-hearing panel meeting or at a children’s hearing, of whether a person should be deemed to be a “relevant person” under section 81 of the 2011 Act. Section 84 of the 2014 Act amends the 2011 Act to provide for a determination (under inserted section 81A) that the deeming of such a person as a “relevant person” is to end. These Regulations amend the principal Regulations to make ABWOR available at a hearing at which such a determination is to be made, on the same basis as it is available for hearings to make a determination under section 81.