
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) 2013 (“the 2013 Rules”). Rules 3 to 6 make amendments in consequence of amendments to the Children’s Hearings (Scotland) Act 2011 (“the 2011 Act”) made by Part 16 and part of paragraph 12 of Schedule 5 to the Children and Young People (Scotland) Act 2014 ([asp 8](#)) (“the 2014 Act”). Rule 7 amends the provision in the 2013 Rules regarding reports provided to the court under section 95(2) of the Adoption and Children (Scotland) Act 2007 (“the 2007 Act”). These amendments take effect from 26th January 2015.

Rule 3 amends rule 29 of the 2013 Rules which relates to information to be provided for a grounds hearing following the making of certain orders, including a child protection order. This amendment is to align the timescales in rule 29 in respect of child protection orders with the timescales for child protection orders in section 54(c) and (d) of the 2011 Act as amended by section 83 of the 2014 Act. Rule 1(3) provides that this amendment applies to proceedings in respect of a child protection order made on or after 26th January 2015.

Rule 4 amends Part 12 of the 2013 Rules which establishes procedures at pre-hearing panels. These amendments are in consequence of the new facility for pre-hearing panels to determine that the deeming of a person as a relevant person is to end which is provided for in section 84 of the 2014 Act.

Rule 5 amends rule 59 of the 2013 Rules which sets out the procedure to be followed at a grounds hearing when the grounds are put to the child and relevant persons. These amendments are in consequence of section 85 of the 2014 Act which makes provision for dealing with the non-acceptance by the child or a relevant person of facts supporting a section 67 ground.

Rule 6 amends rule 64 of the 2013 Rules which establishes the procedure to be followed where the child fails to attend a grounds hearing. These amendments are consequential upon section 86 of the 2014 Act which gives a grounds hearing a new power to make an interim compulsory supervision order (“an ICSO”) where the child fails to attend the grounds hearing and the making of an ICSO is necessary for the protection, guidance, treatment or control of the child as a matter of urgency.

Rule 7 amends rule 77 of the 2013 Rules which relates to the procedure at a hearing where a report is required for the court under section 95(2) of the Adoption and Children (Scotland) Act 2007. It provides that, where a non-disclosure request under Part 19 of the 2013 Rules has been determined by the hearing in relation to information contained in that report, the Reporter must, within 5 days of the hearing, give to the court both redacted and un-redacted versions of the report together with details of the hearing’s determination of the non-disclosure request.