

Status: This version of this provision is prospective.

Changes to legislation: *Children (Care and Justice) (Scotland) Act 2024, Section 9 is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



Children (Care and Justice) (Scotland) Act 2024

2024 asp 5

PART 1

CHILDREN'S HEARINGS SYSTEM

PROSPECTIVE

9 Support for victims in the children's hearings system

- (1) The 2011 Act is amended as follows.
- (2) After section 179C (decision by Principal Reporter following request for information under section 179A) insert—

“179D Support for persons affected by child's offence or behaviour

- (1) The Scottish Ministers must, by regulations, make provision for or in connection with the provision of support services to the persons mentioned in subsection (2).
- (2) Those persons are—
 - (a) persons against whom an offence mentioned in section 179A(1)(a)(i) or (b) appears to have been committed,
 - (b) persons who appear to have been harmed by the action or behaviour of a child as mentioned in section 179A(1)(a)(ii),
 - (c) where persons mentioned in paragraph (a) or (b) are children, relevant persons in relation to those children,
 - (d) any other persons or classes of person the Scottish Ministers may specify in the regulations (subject to any conditions specified in the regulations).

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- (3) Regulations under subsection (1) must, for the purposes of the provision of support services to persons mentioned in subsection (2), establish or specify a person as a single point of contact for those persons.
- (4) Regulations under subsection (1) may in particular include provision about—
 - (a) the support services that may be provided,
 - (b) the training and qualifications of the person providing support services,
 - (c) the provision of information (including relevant information) to and by the person providing support services, including that information is to be provided in a way that is accessible to the person receiving it,
 - (d) the sharing of information with the person providing support services by other persons, including the National Convener, the Principal Reporter, CHS, SCRA, the chief constable of the Police Service of Scotland and local authorities,
 - (e) the payment of expenses, fees and allowances to the person providing support services (including who is to be responsible for making such payments).
- (5) Regulations under subsection (1) may also modify sections 179A to 179C to provide for—
 - (a) information mentioned in section 179B(1) to be provided to persons mentioned in subsection (2) without the need for those persons to make a request under section 179A(3) (including the circumstances in which such persons may opt out of receiving such information),
 - (b) such information to be given by the Principal Reporter to the person providing support services (either at the same time as, or instead of, to persons mentioned in subsection (2)),
 - (c) the circumstances in which such information is to be provided to persons mentioned in subsection (2) by the person providing support services rather than by the Principal Reporter.
- (6) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult—
 - (a) the Principal Reporter,
 - (b) the National Convener,
 - (c) persons who are providing support services to persons in relation to offences perpetrated against or in respect of those persons,
 - (d) such other persons as the Scottish Ministers consider appropriate.
- (7) Regulations under subsection (1) are subject to the affirmative procedure.
- (8) In this section—

“relevant information” includes—

 - (a) information about—
 - (i) the children’s hearings system (including about the interaction of that system with the criminal justice system),

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- (ii) the action that can be taken by a children’s hearing (including about the measures that can be included in a compulsory supervision order),
 - (iii) the process for reviewing actions taken by a children’s hearing (including the process for reviewing and enforcing compulsory supervision orders), and
- (b) where regulations under subsection (1) make provision mentioned in subsection (5)(b) or (c), information requested under section 179A(3),
- “support services” (other than in subsection (6)(c)) includes the provision of relevant information to persons mentioned in subsection (2) and otherwise has the meaning given in regulations under subsection (1).”.

Commencement Information

II S. 9 not in force at Royal Assent, see [s. 38\(3\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act power to modify conferred by 1995 c. 36, s. 33A (as inserted) by [2024 asp 5 s. 30\(2\)](#)
- Act power to modify conferred by 2010 asp 8, s. 190(2A) (as substituted) by [2024 asp 5 s. 29\(2\)\(b\)](#)