

SCOTTISH STATUTORY INSTRUMENTS

2013 No. 194

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

PART 22 S

Miscellaneous

Travelling and subsistence expenses S

97.—(1) The persons mentioned in paragraph (2) may make a claim, to the relevant local authority for the child, in respect of that person's attendance at a pre-hearing panel or children's hearing.

(2) Those persons are—

- (a) the child;
- (b) any relevant person;
- [^{F1}(ba) any person who is to be afforded an opportunity to participate in relation to the children's hearing by virtue of rule 2A;]
- (c) any person representing [^{F2}a person mentioned in sub-paragraph (a), (b) or (ba)];
- (d) any interpreter acting on behalf of [^{F3}a person mentioned in sub-paragraph (a), (b) or (ba)];
- [^{F4}(da) any individual who claimed to qualify to be afforded an opportunity to participate in relation to the children's hearing by virtue of rule 2A;]
- (e) any individual who claimed to have or recently have had significant involvement in the upbringing of the child;
- (f) any individual who has a contact order regulating contact between the individual and the child;
- (g) any individual who has a permanence order which specifies arrangements for contact between the individual and the child.

(3) Where a claim is made to the relevant local authority for the child under paragraph (1) the local authority must pay to the claimant travelling expenses and such other expenses and subsistence as have, in the opinion of the local authority, been reasonably incurred by the claimant.

(4) This rule does not apply to a solicitor or counsel representing [^{F5}a person mentioned in paragraph (2)(a), (b) or (ba)] at a pre-hearing panel or children's hearing.

Textual Amendments

- F1** Rule 97(2)(ba) 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(29)(a)(i)**
- F2** Words in rule 97(2)(c) 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(29)(a)(ii)**

Status: Point in time view as at 26/07/2021.

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 22. (See end of Document for details)

- F3** Words in rule 97(2)(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(29)(a)(iii)**
- F4** Rule 97(2)(da) 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(29)(a)(iv)**
- F5** Words in rule 97(4) 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(29)(b)**

Authentication of documents **S**

98.—(1) Any order, warrant to secure the attendance of a child, notice, report, record or other writing required to be made, granted, given or kept by the children's hearing or pre-hearing panel or chairing member of that hearing under or by virtue of these Rules is sufficiently authenticated if it is signed by the chairing member of the relevant children's hearing or pre-hearing panel [^{F6}or by the Reporter].

(2) Any document or notice authorised or required by these Rules to be kept or given by the Reporter is sufficiently authenticated if it is signed by the Reporter.

(3) Any copy of a document to be given to any person by the Reporter may be certified a true copy by the Reporter.

[^{F7}(4) For the purposes of this rule—

“signed” includes signed by means of an electronic signature,

“electronic signature” is to be construed in accordance with section 7(2) of the Electronic Communications Act 2000, but includes a version of an electronic signature which is reproduced on a paper document.]

Textual Amendments

- F6** Words in rule 98(1) inserted (temp.) (7.4.2020) by virtue of Coronavirus (Scotland) Act 2020 (asp 7), s. 17(1), **sch. 3 para. 9(2)** (with ss. 11-13) (which affecting provision expires (30.9.2021 at the end of the day) by Coronavirus (Extension and Expiry) (Scotland) Act 2021 (asp 19), **ss. 2(1)(3), 11(2)**)
- F7** Rule 98(4) 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(30)**

Written communications **S**

99. Section 193 (formal communications) of the Act applies to these Rules and any type of communication made or given under these Rules is also a formal communication and section 193(2) to (4) applies to them.

Service of notification and documents **S**

100. Any notice or other document authorised or required under these Rules to be given by the Reporter to any person may be given by the Reporter or by any police constable.

Status:

Point in time view as at 26/07/2021.

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 22.