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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2013 No.**

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

**PART 15**

Procedure at grounds hearing and children's hearings to which section 119 (children's hearing following deferral or proceedings under Part 10) or 137 (duty to arrange children's hearing) of the Act applies

**Grounds hearing procedures where section 93 (grounds not accepted: application to sheriff or discharge) or 94 (child or relevant person unable to understand grounds) of the Act applies**

**63.**—(1) This rule applies where section 93 or 94 of the Act applies.

(2) Each member of the children's hearing must—

- (a) state their decision on whether to proceed under section 93(2)(a) or (b), or 94(2)(a) or (b) of the Act as the case may be, and the reason for that decision;
- (b) state any decision on the exercise of the power conferred by section 93(5) or 123 (general power to grant warrant to secure attendance) of the Act and the reasons for that decision;
- (c) where the decision is to make an interim compulsory supervision order or grant a warrant to secure attendance state the member's decision in relation to any measure to be contained in the order or warrant and the reasons for the inclusion of the proposed measure.

(3) The chairing member must—

- (i) confirm and explain the decision of the children's hearing;
- (ii) state the reasons for that decision; and
- (iii) subject to sections 73 (child's duty to attend children's hearing), 74 (relevant person's duty to attend children's hearing), 75 (power to proceed in absence of relevant person) and 79 (referral of certain matters for pre-hearing determination) of the Act, inform the child, each relevant person and any safeguarder appointed of the right to appeal the children's hearing's decision to discharge the referral, make an interim compulsory supervision order, or grant a warrant to secure attendance under section 154 (appeal to sheriff against decision of children's hearing) of the Act within 21 days of that decision.