
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

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

PART 17

Procedure at other children's hearings

Procedure where hearing held by virtue of section 50 (children's hearing to provide advice to sheriff in relation to application) of the Act

- 72.**—(1) This rule applies where a children's hearing is held by virtue of section 50 of the Act.
- (2) The chairing member—
- (a) must inform those present at the hearing of the substance of any relevant report or other relevant document;
 - (b) must take all reasonable steps to obtain the views of the child, each relevant person and any appointed safeguarder in relation to—
 - (i) any report, document or matter being considered by the hearing; and
 - (ii) what, if any, advice would be in the best interests of the child;
 - (c) may invite any other person present at the hearing as the children's hearing considers appropriate, to express their views on, or provide any other information relevant to, any matter or advice being considered by the hearing; and
 - (d) must confirm to the child, each relevant person, the person who applied for the child protection order, the person who applied for the order to be varied or terminated, and any appointed safeguarder the advice to be given to the sheriff to assist the sheriff in the determination of the application under section 48 (application for variation or termination) of the Act.
- (3) The chairing member must—
- (a) make, or cause to be made, a report of the advice;
 - (b) sign and date the report; and
 - (c) give the report to the Reporter at the conclusion of the hearing.
- (4) As soon as possible following receipt of the report the Reporter must give a copy of the report to—
- (a) the child in respect of whom the child protection order is made;
 - (b) each relevant person;
 - (c) any appointed safeguarder;
 - (d) the sheriff who is to determine the application under section 48 of the Act;
 - (e) the person who applied for the child protection order, or child assessment order, as the case may be;

- (f) the person who applied for the child protection order to be varied or terminated;
- (g) the person specified in the child protection order under section 37(2)(a) (child protection orders) of the Act;
- (h) any person other than a relevant person who appears to the Reporter to have or recently have had significant involvement in the upbringing of the child;
- (i) any other person to whom the applicant for variation or termination of the child protection order is required to give notice of the making of the application under rules of court;
- (j) the chief social work officer of the relevant local authority for the child.