
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

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

PART 18

General issues for children's hearings

**Procedure where advice sought by children's hearing from National Convener under
section 8 (provision of advice to children's hearing) of the Act**

79.—(1) This rule applies where a children's hearing seeks advice under section 8 of the Act from the National Convener.

(2) Where a children's hearing defers making a decision or determination on any matter until a subsequent children's hearing and seeks advice from the National Convener under section 8 of the Act the chairing member must—

- (a) prepare a request for advice setting out the nature of the advice to be provided and such other details as the children's hearing considers appropriate;
- (b) include in the record of the children's hearing decision details of the request for advice and reasons for that request;
- (c) give that request for advice to the Reporter; and
- (d) direct the Reporter to forward to the National Convener the request for advice and a copy of the children's hearing decision and the reasons for that decision.

(3) Where the children's hearing has directed the Reporter to forward a request for advice to the National Convener the Reporter must, as soon as practicable and within 5 days of receiving the request prepared under paragraph (2), forward it to the National Convener.

(4) The National Convener must respond to any request for advice forwarded under paragraph (3) within 14 days of receiving the request.

(5) The children's hearing must give the advice received from the National Convener under paragraph (4) to all those present at the hearing.