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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 194**

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

**PART 1**

Introductory and General

**[<sup>F1</sup>Individuals to be afforded opportunity to participate**

- 2A.**—(1) This rule applies only in respect of children's hearings held, or to be held, by virtue of—
- (a) section 69(2) of the Act (determination under section 66: referral to children's hearing),
  - (b) Parts 9 to 11 of the Act (children's hearing; proceedings before sheriff; subsequent children's hearings), or
  - (c) Part 13 of the Act (review of compulsory supervision order).
- (2) An individual is to be afforded an opportunity to participate in relation to a children's hearing if the Reporter is satisfied, or a pre-hearing panel or children's hearing has determined—
- (a) that the criteria in paragraph (3) are met by the individual in relation to the children's hearing, or
  - (b) in the case of a children's hearing arranged (wholly or partly) in consequence of a request being made under section 132A of the Act (right of person not afforded opportunity to participate to require review), that subsection (2) of that section applies to the individual.
- (3) The criteria referred to in paragraph (2) are—
- (a) the individual is living or has lived with the child,
  - (b) the individual and the child have an ongoing relationship with the character of a relationship between siblings (whether or not they have a parent in common),
  - (c) the children's hearing is likely to make a decision significantly affecting contact or the possibility of contact between the individual and the child, and
  - (d) the individual is capable of forming a view on the matter of contact between the individual and the child.
- (4) In considering whether the criteria in paragraph (3) are met, regard is to be had to the views of the child and any relevant person.
- (5) These Rules give an individual who is to be afforded an opportunity to participate the rights mentioned in section 79(5ZA) of the Act (referral of certain matters for pre-hearing determination).]

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**Textual Amendments**

- F1** Rule 2A 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(2)**

**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, Section 2A.