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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 12**

**Pre-hearing panels and determination of matters  
which may be referred to pre-hearing panels**

**Notification of matter to be determined under section 79 (referral of certain matters for pre-hearing determination) where not practicable to arrange a pre-hearing panel before the date fixed for the children's hearing**

**52.**—(1) Where section 80(3) (determination of matter referred under section 79) of the Act applies, as soon as practicable, the Reporter must give notice to the persons mentioned in paragraph (2) that the matter to be referred to a pre-hearing panel under section 79(2) of the Act will be referred to the children's hearing.

(2) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) any individual requesting a determination that they be deemed a relevant person;
- (d) any individual other than a relevant person who appears to the Reporter to have or recently have had significant involvement in the upbringing of the child;
- (e) any appointed safeguarder;
- (f) the three members of the children's hearing.

(3) The notice under paragraph (1) must inform—

- (a) the persons mentioned in paragraph (2)(a) to (e)—
  - (i) of the date, time and place of the children's hearing;
  - (ii) of the matters to be determined by the children's hearing by virtue of section 80(3) of the Act;
  - (iii) that they have the right to attend that part of the children's hearing;
  - (iv) that they have the right to request that the Reporter takes all reasonable steps to enable the child, relevant person, or the person mentioned in paragraph (2)(c) or (d), as the case may be, to attend the children's hearing by way of telephone, through video link or by using any other method of communication;
  - (v) that they may make representations (orally or in writing) to the children's hearing relating to any matter referred under section 79 of the Act, except where paragraph (4) applies;
  - (vi) that they may give any report or other document relevant to that matter for the consideration of the children's hearing; and

- (b) the individual mentioned in paragraph (2)(c) or (d), that the individual, where deemed to be a relevant person under section 81(3) (determination of claim that person be deemed a relevant person) of the Act, may request the children's hearing to determine any matter mentioned in section 79(3) of the Act.
- (4) Where the children's hearing will also determine any matter referred under section 79(2)
- (c) of the Act the notice must inform the individual mentioned in paragraph (2)(c) or (d) that the individual will not be entitled to take part in any discussion on that matter unless they are deemed to be a relevant person.