
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 194

**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

Procedure where there is a review of determination that person be deemed a relevant person

66.—(1) Where the children's hearing is reviewing whether an individual should continue to be deemed to be a relevant person under section 142(2) (review of determination that person be deemed a relevant person) of the Act the chairing member must inform those present of the purpose of the review.

(2) The chairing member—

- (a) must invite the child, each relevant person and any appointed safeguarder to express their views in relation to whether the individual should continue to be deemed to be a relevant person;
- (b) may invite any other person present at the hearing, as the children's hearing considers appropriate, to express their views on that matter.

(3) Where the children's hearing exercises the power under section 142(3) of the Act—

- (a) each member of the children's hearing must state their decision and the reasons for that decision;
- (b) the chairing member must confirm and explain the decision of the children's hearing on the exercise of that power and the reasons for it;
- (c) the chairing member must confirm that the individual will continue to be deemed to be a relevant person.

(4) Where the children's hearing determine the review under section 142(2) of the Act—

- (a) each member of the children's hearing must state their determination on the matter and the reasons for that determination;
- (b) the chairing member must—
 - (i) confirm and explain the determination of the children's hearing;
 - (ii) state the reasons for the determination; 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, the individual in relation to whom the determination was made and any safeguarder appointed of the right to appeal the

children’s hearing’s decision under section 160 (appeal to sheriff against relevant person determination) of the Act within 7 days of that determination;

(5) As soon as practicable and no later than 2 working days from the day of the children’s hearing the Reporter must give to the persons mentioned in paragraph (6) the information mentioned in paragraph (7).

(6) Those persons are—

- (a) the child;
- (b) each relevant person;
- (c) the individual in relation to whom the determination was made.

(7) That information is—

- (a) a copy of the determination of the children’s hearing in relation to whether the individual should continue to be deemed to be a relevant person and the reasons for that determination; and
- (b) details of the rights of the child, each relevant person and the individual in relation to whom the determination was made, to appeal that decision under section 160 of the Act.