

2022 No. 264

CHILDREN AND YOUNG PERSONS

**The Children's Hearings (Scotland) Act 2011 (Rules of Procedure
in Children's Hearings) Amendment Rules 2022**

Made - - - - - *1st September 2022*

Laid before the Scottish Parliament *5th September 2022*

Coming into force - - - *1st November 2022*

The Scottish Ministers make the following Rules in exercise of the powers conferred by section 177 of the Children's Hearings (Scotland) Act 2011(a) and all other powers enabling them to do so.

Citation and commencement

1. These Rules may be cited as the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2022 and come into force on 1 November 2022.

Amendment of the rules of procedure in children's hearings

2. In rule 3 (selection of members of children's hearing and pre-hearing panel – supplementary) of the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013(b), omit paragraph (2).

St Andrew's House,
Edinburgh
1st September 2022

CLARE HAUGHEY
Authorised to sign by the Scottish Ministers

(a) 2011 asp 1 ("the 2011 Act"). Section 6 of the 2011 Act (selection of members of children's hearing) is relevantly amended by S.S.I. 2013/211 and section 42 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8).
(b) S.S.I. 2013/194 to which there are amendments not relevant to this instrument.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013 (“the 2013 Rules”) in consequence of section 42 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8). That section modifies the duty that section 6(3)(a) of the Children’s Hearings (Scotland) Act 2011 (“the 2011 Act”) imposes on the National Convener of Children’s Hearings Scotland to ensure that every children’s hearing includes both male and female members. It qualifies the duty to allow for it not being practicable in every case for a hearing to have both male and female members.

The rules for selection of pre-hearing panels are set out in rule 3(2) of the 2013 Rules. In light of section 6(5) of the 2011 Act, which provides that reference in section 6 to a “children’s hearing” includes a pre-hearing panel, it is considered that rule 3(2) of the 2013 Rules is otiose. Accordingly this amendment removes that duplication and ensures that the 2013 Rules are consistent with the amendment to the 2011 Act.

Impact assessments have been prepared in relation to these Rules and are published online at www.gov.scot.

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