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STATUTORY INSTRUMENTS

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**1996 No. 3261**

**Children's Hearings (Scotland) Rules 1996**

**PART III**

**GENERAL PROVISIONS AS TO CHILDREN'S HEARINGS**

**Views of the Child**

**15.**—(1) The children's hearing, taking account of the age and maturity of the child whose case has been referred to the hearing for a purpose mentioned in paragraph (2) shall so far as practicable give the child an opportunity to indicate whether he wishes to express his views.

(2) This rule shall apply where the children's hearing—

- (a) are considering whether to make, or are reviewing a supervision requirement;
- (b) are considering whether to grant a warrant under subsections (4) or (5) of section 45, subsection (5) of section 63, subsection (1) of section 66, or subsection (4) or (7) of section 69, of the Act or to provide under subsection (5) of the said section 66 for the continuation of a warrant;
- (c) are considering whether to continue a child protection order under section 59(4) of the Act;
- (d) are engaged in providing advice under section 60(10) of the Act; or
- (e) are considering whether to make a requirement under section 69(3) of the Act;
- (f) are drawing up a report under section 73(13) of the Act; and
- (g) are considering whether to issue a warrant under the 1996 Regulations.

(3) Where he has indicated his wish to express his views—

- (a) the children's hearing and the chairman of the hearing may exercise any of their powers under the Act or these Rules as they or, as the case may be, he considers appropriate in order to ascertain the views of the child; and
- (b) the children's hearing shall not make any decision or take any action mentioned in paragraph (2) unless an opportunity has been given for the views of the child to be obtained or heard and in terms of section 16(2)(c) of the Act they have had regard to such views as he may have expressed.

(4) Without prejudice to the generality of the powers mentioned in paragraph (3)(a), the views of the child may be conveyed to the children's hearing—

- (a) by the child, or by his representative, individually or together in person;
- (b) by the child in writing, on audio or video tape or through an interpreter; or
- (c) by any safeguarder appointed by the hearing.

(5) For the purposes of this rule, a child of twelve years of age or more shall be presumed to be of sufficient age and maturity to form a view.