

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 18 – Miscellaneous

Children's hearings: procedural rules

Section 177 – Children's hearings: procedural rules

257. This section enables Scottish Ministers to make rules about the practice and procedure of Children's Hearings and Pre-Hearings. Subsection (2) sets out a non-exhaustive list of matters which may be included in these rules. Procedural rules made under this section that include the following matters will be subject to affirmative procedure: specifying matters that may be determined by Pre-Hearing Panels; attendance of persons, excusal and exclusion from attending; withholding documents; and representation of persons at Children's Hearings. Procedural rules that relate to other matters under this section - constituting and arranging hearings; notification; obtaining the views of the child to whom a Children's Hearing relates; provision of documents; prescribing the form of the statement of grounds; the recording and transmission of information; expenses; and appeals – will be subject to negative procedure.
258. In making any procedural rules under subsection (2)(i)(i) – rules making provision for or in connection with the provision of specified documents to members of Children's Hearings – the Scottish Ministers must ensure that any views that may have been expressed by the child to whom the hearing relates are reflected in one of the documents provided to members of that Children's Hearing. Subsection (3) provides that references to a "Children's Hearing" in this section include a Pre-Hearing Panel.