

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 19 – Legal Aid and Advice

Section 191 – Legal aid and advice

New Part 5a – Children's Legal Aid

Section 28C – Circumstances where children's legal aid automatically available

283. This section provides for children's legal aid to be made available to a child automatically, that is without application of the merits and means tests discussed in relation to section 28D, in limited circumstances. Those circumstances are where:
- (a) there are proceedings before a sheriff for variation or termination of a child protection order;
 - (b) the hearing follows the making of a child protection order;
 - (c) a hearing or Pre-Hearing Panel considers it may be necessary to authorise the placement of the child in secure accommodation; or
 - (d) the hearing follows the child being apprehended by the police if it has been decided that criminal proceedings are not going to be pursued.
284. Subsection (3) confers power on the Scottish Ministers to extend or restrict, by regulations, the circumstances in respect of which children's legal aid is automatically available.