



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 7

ATTENDANCE AT CHILDREN'S HEARING

73 Child's duty to attend children's hearing

- (1) This section applies where by virtue of this Act a children's hearing is, or is to be, arranged in relation to a child.
- (2) The child must attend the children's hearing unless the child is excused under subsection (3) or rules under section 177.
- (3) A children's hearing may excuse the child from attending all or part of the children's hearing if the children's hearing is satisfied that—
 - (a) the hearing relates to the ground mentioned in section 67(2)(b), (c), (d) or (g) and the attendance of the child at the hearing, or that part of the hearing, is not necessary for a fair hearing,
 - (b) the attendance of the child at the hearing, or that part of the hearing, would place the child's physical, mental or moral welfare at risk, or
 - (c) taking account of the child's age and maturity, the child would not be capable of understanding what happens at the hearing or that part of the hearing.
- (4) Where the children's hearing is a grounds hearing, the children's hearing may excuse the child from attending during an explanation given in compliance with section 90(1) only if it is satisfied that, taking account of the child's age and maturity, the child would not be capable of understanding the explanation.

Commencement Information

II S. 73 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

Changes to legislation:

Children's Hearings (Scotland) Act 2011, Section 73 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)