



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 7

ATTENDANCE AT CHILDREN'S HEARING

78 Rights of certain persons to attend children's hearing

- (1) The following persons have a right to attend a children's hearing—
 - (a) the child (whether or not the child has been excused from attending),
 - (b) a person representing the child,
 - (c) a relevant person in relation to the child (unless that person is excluded under section 76(2)),
 - (d) a person representing a relevant person in relation to the child (unless that person is excluded under section 77(2)),
 - (e) the Principal Reporter,
 - (f) if a safeguarder is appointed under this Act in relation to the child, the safeguarder,
 - (g) a member of the Administrative Justice and Tribunals Council or the Scottish Committee of that Council (acting in that person's capacity as such),
 - (h) a member of an area support team (acting in that person's capacity as such),
 - (i) subject to subsection (5), a representative of a newspaper or news agency.
- (2) No other person may attend a children's hearing unless—
 - (a) the person's attendance at the hearing is considered by the chairing member of the children's hearing to be necessary for the proper consideration of the matter before the children's hearing,
 - (b) the person is otherwise granted permission to attend by the chairing member of the children's hearing, or
 - (c) the person is authorised or required to attend by virtue of rules under section 177.
- (3) The chairing member may not grant permission to a person under subsection (2)(b) if the child or a relevant person in relation to the child objects to the person attending the children's hearing.

Status: This is the original version (as it was originally enacted).

- (4) The chairing member must take all reasonable steps to ensure that the number of persons present at a children's hearing at the same time is kept to a minimum.
- (5) The children's hearing may exclude a representative of a newspaper or news agency from any part of the hearing where it is satisfied that—
 - (a) it is necessary to do so to obtain the views of the child, or
 - (b) the presence of that person is causing, or is likely to cause, significant distress to the child.
- (6) Where a person is excluded under subsection (5), after the exclusion has ended, the chairing member may explain to the person, where appropriate to do so, the substance of what has taken place in the person's absence.