



Children (Scotland) Act 1995

1995 CHAPTER 36

PART II

PROMOTION OF CHILDREN'S WELFARE BY LOCAL
AUTHORITIES AND BY CHILDREN'S HEARINGS ETC.

CHAPTER 2

CHILDREN'S HEARINGS

Conduct of proceedings at and in connection with children's hearing

45 Attendance of child and relevant person at children's hearing

- (1) Where a child has been notified in accordance with rules made under subsection (1) of section 42 of this Act by virtue of subsection (2)(b) of that section that his case has been referred to a children's hearing, he shall—
 - (a) have the right to attend at all stages of the hearing; and
 - (b) subject to subsection (2) below, be under an obligation to attend those stages in accordance with the notice.
- (2) Without prejudice to subsection (1)(a) above and section 65(4) of this Act, where a children's hearing are satisfied—
 - (a) in a case concerned with an offence mentioned in Schedule 1 to the Criminal Procedure (Scotland) Act 1975, that the attendance of the child is not necessary for the just hearing of that case; or
 - (b) in any case, that it would be detrimental to the interests of the child for him to be present at the hearing of his case,they may release the child from the obligation imposed by subsection (1)(b) above.
- (3) Subject to subsection (2) above, the Principal Reporter shall be responsible for securing the attendance of the child at the hearing of his case by a children's hearing

Status: This is the original version (as it was originally enacted).

- (and at any subsequent hearing to which the case is continued under section 69(1)(a) of this Act).
- (4) On the application of the Principal Reporter, a children’s hearing, if satisfied on cause shown that it is necessary for them to do so, may issue, for the purposes of subsection (3) above, a warrant under this subsection to find the child, to keep him in a place of safety and to bring him before a children’s hearing.
- (5) Where a child has failed to attend a children’s hearing in accordance with such notice as is mentioned in subsection (1) above, they may, either on the application of the Principal Reporter or of their own motion, issue a warrant under this subsection, which shall have the same effect as a warrant under subsection (4) above.
- (6) A child who has been taken to a place of safety under a warrant granted under this section shall not be kept there after whichever is the earlier of—
- (a) the expiry of seven days beginning on the day he was first so taken there; or
 - (b) the day on which a children’s hearing first sit to consider his case in accordance with subsection (7) below.
- (7) Where a child has been found in pursuance of a warrant under this section and he cannot immediately be brought before a children’s hearing, the Principal Reporter shall, wherever practicable, arrange a children’s hearing to sit on the first working day after the child was so found.
- (8) Subject to section 46 of this Act, a person who is a relevant person as respects a child shall, where a children’s hearing are considering the case of the child—
- (a) have the right to attend at all stages of the hearing; and
 - (b) be obliged to attend at all stages of the hearing unless the hearing are satisfied that it would be unreasonable to require his attendance or that his attendance is unnecessary for the proper consideration of the case.
- (9) Any person who fails to attend a hearing which, under subsection (8)(b) above, he is obliged to attend shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.