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STATUTORY INSTRUMENTS

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**1996 No. 3261**

**Children's Hearings (Scotland) Rules 1996**

**PART II**

**CONSTITUTION AND ARRANGEMENTS OF CHILDREN'S HEARINGS**

**Business meeting preparatory to constitution of children's hearing**

- 4.—(1) Where the Principal Reporter arranges a children's hearing, he may, for the purpose of—
- (a) determining any procedural matter specified in paragraph (2), and
  - (b) obtaining any direction or guidance in relation to the performance of his functions in relation to the proceedings,

arrange a meeting (in this rule referred to as a “business meeting”) with members of the children's panel from which the children's hearing is to be constituted and with the provisions the same as in section 39(5) of the Act applying to the business meeting.

(2) A business meeting shall determine any of the following procedural matters as may be referred to the meeting by the Principal Reporter—

- (a) whether notice of the children's hearing is to be given by the Principal Reporter under rule 7 to a person as a “relevant person” in terms of paragraph (c) of the definition of that term in section 93(2)(b) of the Act (person who appears to be a person who ordinarily (and other than by reason only of his employment) has charge of, or control over, the child);
- (b) where notice of the children's hearing has been or is to be given by the Principal Reporter to the child under rule 6, whether notice is also to be given that the child is released under section 45(2)(1) of the Act from the obligation to attend the hearing under subsection (1) (b) of that section; and
- (c) where notice has been or is to be given by the Principal Reporter to a relevant person under rule 7, whether notice is also to be given that the hearing are satisfied under section 45(8) (b) of the Act that it would be unreasonable to require his attendance or that his attendance is unnecessary for the proper consideration of the case.

(3) Where the Principal Reporter arranges a business meeting under paragraph (1), he shall, not later than 4 working days before the date of the meeting—

- (a) give notice in writing to the members of the panel who will attend the meeting of the date, time and place of the meeting;
- (b) give notice in writing to the child, any relevant person and any safeguarder that the meeting has been arranged and of the date on which it is to be held;
- (c) give to the members of the panel and to the child, any relevant person and any safeguarder—
  - (i) notice of the matters referred to the business meeting for determination or for direction and guidance;

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(1) 1995 c. 36; section 45(2) was amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 97.

- (ii) a copy of any documents or information relevant to these matters; and
- (iii) a copy of the grounds of referral of the case of the child prepared in terms of section 65 of the Act.

(4) The Principal Reporter shall, when giving notice under paragraph (3), advise the child, any relevant person and any safeguarder–

- (a) of their entitlement to make their views on the matters to be considered by the business meeting known to the Principal Reporter, and
- (b) that any such views shall be presented by him to the meeting.

(5) The Principal Reporter shall record in writing any views given to him other than in writing under paragraph (4), for the purpose of presenting these views to the business meeting for consideration.

(6) The Principal Reporter shall as soon as reasonably practicable after receiving any views give a copy of these views in writing to the members of the children’s panel who will attend the business meeting and to the other persons who received notice of the meeting under paragraph (3).

(7) Before making a determination, or giving guidance or directions to the Principal Reporter, the business meeting shall consider any views given to them under paragraph (6).

(8) Where the business meeting has made a determination, or given guidance or directions to the Principal Reporter as to the exercise of his functions, the Principal Reporter shall as soon as reasonably practicable give notice in writing of the determination or, as the case may be, the guidance or direction, to the child, any relevant person and any safeguarder.