

Children's Hearings (Scotland) Bill

2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

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Amendments in debating order

Children's hearings: members

Adam Ingram

- 5** In section 6, page 2, line 7, at end insert—

<() This section applies where a children's hearing requires to be arranged by virtue of, or for the purposes of, this Act or any other enactment.>

Adam Ingram

- 6** In section 6, page 2, line 8, leave out <a> and insert <the>

Adam Ingram

- 7** In section 6, page 2, line 9, leave out <a> and insert <the>

Elizabeth Smith

- 81** In section 6, page 2, line 13, at end insert—

<() In selecting the members of the children's hearing, the National Convener must agree with the relevant local authority for the child to whom the hearing relates as to the suitability of potential members.>

Adam Ingram

- 8** In section 6, page 2, line 14, leave out <a> and insert <the>

Principal Reporter's functions

Adam Ingram

- 9** Move section 8 to before section 17

Adam Ingram

- 12** In section 21, page 4, line 34, after <SCRA> insert <or any other person>

Adam Ingram

- 14** In section 21, page 4, line 36, at end insert—

<() This section is subject to section 17(1)(e).>

Adam Ingram

- 15** In schedule 4, page 102, leave out line 36

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Advice to children's hearing

Adam Ingram

- 10** In section 9, page 2, line 31, at end insert—
<() In this section, “children’s hearing” includes pre-hearing panel.>

Elizabeth Smith

- 65** In section 9, page 2, line 31, at end insert—
<() The National Convener, under subsection (2)(a)—
(a) may provide information about matters such as—
(i) the legal consequences of proposed decisions by children’s hearings,
(ii) whether proposed decisions are permitted under this Act, and
(iii) the range of decisions which may be made by children’s hearings in particular circumstances, but
(b) may not make recommendations about what decisions children’s hearings should make in particular cases.>

Advice to children about children's hearings

Ken Macintosh

- 82** After section 9, insert—
<Provision of advice to children about children’s hearings
(1) The National Convener may provide advice to children in relation to children’s hearings about any matter arising in connection with the functions conferred on children’s hearings by virtue of this Act or any other enactment.
(2) The National Convener may in particular provide—
(a) legal advice,
(b) advice about procedural matters,
(c) advice about the consequences of decisions of the children’s hearings,
(d) advice about how decisions of children’s hearings are implemented.
(3) Any advice provided by the National Convener under subsection (1) must be provided in a child friendly format.>

Welfare of the child: pre-hearing panels

Adam Ingram

- 16** In section 24, page 5, line 15, leave out <or a> and insert <, pre-hearing panel or>

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Adam Ingram

- 17 In section 24, page 5, line 17, after <hearing> insert <, pre-hearing panel>

Views of the child

Adam Ingram

- 20 In section 26, page 5, line 35, leave out <is reasonably>

Ken Macintosh

- 85 In section 26, page 6, line 3, after <them> insert <, including offering the child the opportunity to speak to the Children's Panel members in private>

Margaret Smith

- 86 In section 26, page 6, line 4, at end insert—
- <(3A) When a children's hearing or the sheriff is coming to a decision about a matter relating to a child, a report is to be prepared and presented to the children's hearing or sheriff outlining and confirming the child's views and wishes, and must be taken into account by the children's hearing or sheriff in reaching a final decision.
- (3B) Any report under subsection (3A) is to be provided in a child friendly format to the child to whom the children's hearing relates.>

Adam Ingram

- 63 Before section 123, insert—
- <Confirmation that child given opportunity to express views before hearing**
- (1) This section applies where a children's hearing is held in relation to a child by virtue of this Act.
- (2) The chairing member of the children's hearing must ask the child whether the documents provided to the child by virtue of rules made under section 170 accurately reflect any views expressed by the child.
- (3) The chairing member need not comply with subsection (2) if, taking account of the age and maturity of the child, the chairing member considers that it would not be appropriate to do so.>

Advocacy

Christina McKelvie

- 220 After section 26, insert—
- <Children's hearing: duty to secure advocacy service**
- (1) The children's hearing must secure the provision of an advocacy service for a child who is the subject of a hearing unless it is satisfied that such a service is rejected by the child.
- (2) In subsection (1), an advocacy service is a service which offers support and assistance to enable the child to take a full part in the proceedings.

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- (3) The advocacy service must include the right of the child to be accompanied by an advocate during proceedings of the hearing.
- (4) The Scottish Ministers may by regulations make provision for or in connection with—
 - (a) arrangements for the securing of the advocacy service for the child,
 - (b) the qualifications to be held by any individual providing an advocacy service to the child, and
 - (c) the training of individuals providing an advocacy service to the child.>

Ken Macintosh

87 After section 29, insert—

<Children’s hearing: duty to consider appointing an advocate

- (1) A children’s hearing must consider whether to appoint an advocate for the child to whom the children’s hearing relates.
- (2) A children’s hearing may appoint an advocate in pursuance of subsection (1) at any time when the children’s hearing is still deciding matters in relation to the child.
- (3) A children’s hearing must record a decision made under subsection (1).
- (4) If a children’s hearing appoints an advocate, it must give reasons for its decision.
- (5) Subsection (1) does not apply where an advocate has already been appointed by virtue of this section.
- (6) In this section an advocate is an individual whose purpose is to offer services of support and representation for the purpose of enabling the child to whom the children’s hearing relates to express their views.>

Safeguarders: role and functions

Adam Ingram

21 In section 29, page 7, line 2, leave out from <safeguarder> to end of line 3 and insert <person to safeguard the interests of the child to whom the children’s hearing relates (a “safeguarder”).>

After section 30

Ken Macintosh

90 After section 30 insert—

<Role of the safeguarder

The role of the safeguarder is to—

- (a) safeguard and promote the welfare of the child in any proceedings in respect of which they are appointed, and
- (b) ensure that the views of the child are heard.>

Adam Ingram

32 In section 31, page 7, line 35, leave out <with the child>

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Adam Ingram

- 33** In section 32, page 8, line 4, leave out <Subsection (2)> and insert <This section>

Ken Macintosh

- 91** In section 32, page 8, line 4, leave out <Subsection (2) applies> and insert <Subsections (2) to (4) apply>

Adam Ingram

- 34** In section 32, page 8, line 6, leave out subsection (2) and insert—
- <() If the safeguarder does not appeal against a relevant decision, the appointment ceases on the expiry of the time allowed to appeal against the decision.
 - () A relevant decision is—
 - (a) a decision of a children’s hearing to discharge the referral of the child,
 - (b) a determination by the sheriff under section 112 or 116 which results in the discharge of the child’s referral to a children’s hearing,
 - (c) a decision to make, vary, continue or terminate a compulsory supervision order in respect of the child,
 - (d) a decision of the sheriff in an appeal under section 148(1),
 - (e) a decision of the sheriff principal in an appeal under section 157(1).
 - () If the safeguarder appeals to the Court of Session under section 157(1) or (2), the appointment ceases on the giving of the decision in the appeal.>

Ken Macintosh

- 92** In section 32, page 8, line 19, at end insert—
- <(3) In the event of an appeal and subject to subsection (4), the appointment of a safeguarder continues pending the determination of the appeal.
 - (4) In the event of an appeal that results in a referral back to the children’s hearing, the sheriff may continue the appointment of the safeguarder for the purpose of the subsequent hearing.>

Adam Ingram

- 64** In section 187, page 83, line 33, leave out <30(1)> and insert <29(1)>

Safeguarders: National Panel

Adam Ingram

- 22** In section 30, page 7, line 13, leave out subsection (1) and insert—
- <() The Scottish Ministers must establish and maintain a panel of persons (to be known as “the Safeguarders Panel”) from which any appointment under this Act of a safeguarder is to be made.>

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Ken Macintosh

- 88 In section 30, page 7, line 13, leave out subsection (1) and insert—
- <() There is established a body to be known as the National Safeguarders Panel.
 - () This panel will be responsible for the recruitment and training of safeguarders.
 - () Schedule (*National safeguarders panel*) makes further provision about the National Safeguarders Panel.>

Adam Ingram

- 23 In section 30, page 7, line 18, leave out <Safeguarders Panels> and insert <the Safeguarders Panel>

Adam Ingram

- 24 In section 30, page 7, line 19, leave out <Safeguarders Panels> and insert <the Safeguarders Panel>

Adam Ingram

- 25 In section 30, page 7, line 20, leave out <Safeguarders Panels> and insert <the Safeguarders Panel>

Adam Ingram

- 26 In section 30, page 7, line 21, leave out <Safeguarders Panels> and insert <the Safeguarders Panel>

Ken Macintosh

- 89 In section 30, page 7, line 22, after <expenses> insert <, fees>

Adam Ingram

- 27 In section 30, page 7, line 22, leave out <local authorities> and insert <the Scottish Ministers>

Adam Ingram

- 28 In section 30, page 7, line 23, leave out <Safeguarders Panels> and insert <the Safeguarders Panel>

Adam Ingram

- 29 In section 30, page 7, line 24, leave out <Safeguarders Panels> and insert <the Safeguarders Panel>

Adam Ingram

- 30 In section 30, page 7, line 25, at end insert—
- <() For the purpose of complying with the requirements imposed by subsection (1) and regulations under subsection (2), the Scottish Ministers may enter into arrangements (contractual or otherwise) with any person other than CHS or SCRA.>

Adam Ingram

- 31 In section 30, page 7, line 26, leave out subsections (3) and (4)

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Ken Macintosh

77 After schedule 3 insert—

<SCHEDULE
(introduced by section 30)

NATIONAL SAFEGUARDERS PANEL

Membership

- (1) The members of the National Safeguarders Panel are to be appointed by the Scottish Ministers.
- (2) There are to be no fewer than five and no more than eight members.
- (3) The Scottish Ministers may by order amend sub-paragraph (2) so as to substitute for the numbers of members for the time being specified there different numbers of members.
- (4) A member holds and vacates office on terms and conditions determined by the Scottish Ministers.
- (5) The Scottish Ministers may appoint a person to be a member only if satisfied that the person has knowledge and experience relevant to the functions of the National Safeguarders Panel.
- (6) The Scottish Ministers may reappoint as a member a person who has ceased to be a member.

Allowances

The National Safeguarders Panel may pay to its members such allowances in respect of expenses properly incurred by members in the performance of their functions as may be so determined.

Procedure

The National Safeguarders Panel may determine its own procedure.>

Child assessment orders and child protection orders: content

Adam Ingram

35 In section 33, page 8, line 27, after <out> insert <(subject to section 177)>

Adam Ingram

37 In section 35, page 9, line 28, after <out> insert <(subject to section 177)>

Adam Ingram

38 In section 38, page 11, line 5, leave out <disclosure> and insert <non-disclosure>

Adam Ingram

39 In section 38, page 11, line 7, leave out <disclosure> and insert <non-disclosure>

Adam Ingram

40 In section 38, page 11, line 12, leave out <disclosure> and insert <non-disclosure>

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Ken Macintosh

- 95 In section 40, page 11, line 38, leave out <parental responsibilities and rights direction> and insert <medical treatment order>

Ken Macintosh

- 96 In section 40, page 12, line 1, leave out from <parental> to end of line 2 and insert <medical treatment order is an order authorising—>

Ken Macintosh

- 97 In section 40, page 12, line 6, leave out <parental responsibilities and rights direction> and insert <medical treatment order>

Adam Ingram

- 42 In section 45, page 13, line 18, leave out <disclosure> and insert <non-disclosure>

Ken Macintosh

- 99 In section 45, page 13, line 18, leave out <parental responsibilities and rights direction> and insert <medical treatment order>

Adam Ingram

- 47 In section 49, page 15, line 10, leave out <disclosure> and insert <non-disclosure>

Ken Macintosh

- 101 In section 49, page 15, line 10, leave out <parental responsibilities and rights direction> and insert <medical treatment order>

Child protection orders: notification and application for variation/termination

Adam Ingram

- 41 In section 41, page 12, line 22, at end insert—
<() Where the Principal Reporter receives notice under subsection (1)(e), the Principal Reporter must give notice of the making of the order to any person (other than a relevant person in relation to the child) who the Principal Reporter considers to have (or to recently have had) a significant involvement in the upbringing of the child.>

Adam Ingram

- 43 In section 46, page 13, line 31, at end insert—
<() a person not falling within paragraph (b) who has (or recently had) a significant involvement in the upbringing of the child,>

Ken Macintosh

- 100 In section 46, page 13, line 32, at end insert—
<() the local authority who applied for the child protection order,>

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Adam Ingram

- 44 In section 47, page 14, line 11, at end insert—

<() the person who applied for the child protection order (unless the person is the applicant),>

Adam Ingram

- 45 In section 49, page 14, line 30, at end insert—

<() the applicant,>

Adam Ingram

- 46 In section 49, page 14, line 32, at end insert—

<() any person not falling within paragraph (b) who the sheriff considers to have (or to recently have had) a significant involvement in the upbringing of the child,>

Child protection orders: obligations of local authority

Ken Macintosh

- 98 Leave out section 42

Ken Macintosh

- 200 In section 118, page 43, line 37, leave out <supervision or guidance> and insert <the provision of services by the relevant local authority>

Ken Macintosh

- 201 In section 118, page 44, line 1, leave out subsections (3) to (5) and insert—

- <() If the sheriff is satisfied that the child requires the provision of services by the relevant local authority, the sheriff must order that the child is to be treated as a child in need for the purposes of section 22 of the 1995 Act.
- () The definition of a child in need in section 93 of the 1995 Act is amended by schedule 5 to this Act.>

Ken Macintosh

- 105 In schedule 5, page 106, line 40, at end insert—

<*Children (Scotland) Act 1995 (c.36)*

- (1) The Children (Scotland) Act 1995 is amended as follows.
- (2) In section 17 (duty of local authority to child looked after by them), in subsection (6)(c) after “Act” insert “or Part 3 or 4 of the Children’s Hearings (Scotland) Act 2010 (asp 00) (“the 2010 Act”)”.
- (3) In section 93(4) (interpretation of Part II)—
 - (a) after sub-paragraph (iii), the word “or” is repealed, and
 - (b) after sub-paragraph (iv), insert “; or

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- (v) the sheriff, on terminating a compulsory supervision order pursuant to section 118(2)(a) of the 2010 Act, has made an order that he is to be treated as a child in need.”.>

Child protection orders: termination

Ken Macintosh

- 102** In section 50, page 15, line 18, after <effect> insert—
<(a)>

Ken Macintosh

- 103** In section 50, page 15, line 19, leave out <attempted> and insert <made a reasonable effort>

Ken Macintosh

- 104** In section 50, page 15, line 20, at end insert <, and—
(b) in any event, if the order is not implemented within 72 hours.>

Adam Ingram

- 48** Leave out section 50 and insert—
<Automatic termination of order
(1) This section applies where a child protection order contains an authorisation of the type mentioned in section 35(2)(b).
(2) The order ceases to have effect at the end of the period of 24 hours beginning with the making of the order if the person specified in the order under section 35(2)(a) has not attempted to implement it within that period.
(3) The order ceases to have effect at the end of the period of 6 days beginning with the making of the order if the child to whom the order relates has not been removed to a place of safety within that period.>

Adam Ingram

- 53** In section 52, page 16, line 4, after <hearing,> insert—
<() where the order contains an authorisation of the type mentioned in section 35(2)(b), the end of the period of 8 working days beginning on the day the child was removed to a place of safety,>

Adam Ingram

- 54** In section 52, page 16, line 5, at beginning insert <where the order does not contain such an authorisation,>

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Child protection orders: power of Principal Reporter to vary directions

Adam Ingram

49 In section 51, page 15, line 26, at end insert—

- <() If the Principal Reporter is satisfied that the conditions for including a relevant direction in a child protection order in respect of a child are no longer satisfied, the Principal Reporter may vary the child protection order so as to terminate the direction by giving notice to—
 - (a) the person specified in the order under section 35(2)(a) or,
 - (b) where there is no such person specified, the applicant for the order.
- () A relevant direction is—
 - (a) an information non-disclosure direction,
 - (b) a contact direction,
 - (c) a parental responsibilities and rights direction.>

Adam Ingram

50 In section 51, page 15, line 27, after <terminate> insert <or vary>

Adam Ingram

52 In section 51, page 15, line 31, after <terminates> insert <or varies>

Power of Principal Reporter to terminate order or require release of child

Adam Ingram

59 In section 53, page 16, line 38, leave out subsection (6) and insert—

- <() The Principal Reporter may, by giving notice to the applicant, terminate the order if—
 - (a) the Principal Reporter is satisfied that the conditions for the making of an order under this section are no longer satisfied, or
 - (b) the Principal Reporter is satisfied that it is no longer in the best interests of the child for the order to continue to have effect.>

Adam Ingram

62 In section 54, page 17, line 19, leave out subsections (5) and (6) and insert—

- <() The Principal Reporter may, by giving notice to the constable, require the constable to release the child if—
 - (a) the Principal Reporter is satisfied that the conditions for placing the child in a place of safety under this section are no longer satisfied, or
 - (b) the Principal Reporter is satisfied that it is no longer in the best interests of the child to be kept in a place of safety.>

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Local authority's duty to provide information to Principal Reporter

Adam Ingram

- 106** In section 58, page 18, line 24, leave out <the relevant local authority for a child> and insert <a local authority>

Adam Ingram

- 107** In section 58, page 18, line 25, leave out <the child> and insert <a child in its area>

Adam Ingram

- 108** In section 58, page 18, line 27, leave out <relevant local authority for a child> and insert <local authority>

Provision of information to Principal Reporter: threshold

Ken Macintosh

- 172** In section 58, page 18, leave out lines 28 and 29 and insert <that any of the section 65 grounds apply.>

Adam Ingram

- 109** In section 58, page 18, line 29, leave out from <a> to <of> and insert <it might be necessary for a compulsory supervision order to be made in relation to>

Ken Macintosh

- 173** In section 59, page 18, leave out lines 34 and 35 and insert <that any of the section 65 grounds apply.>

Adam Ingram

- 110** In section 59, page 18, line 35, leave out from <a> to <of> and insert <it might be necessary for a compulsory supervision order to be made in relation to>

Adam Ingram

- 115** In section 62, page 20, line 11, leave out from <a> to <of> and insert <it might be necessary for a compulsory supervision order to be made in relation to>

Court's power to provide information to Principal Reporter

Adam Ingram

- 111** In section 60, page 19, line 7, leave out <determines> and insert <considers>

Adam Ingram

- 112** In section 60, page 19, line 8, leave out <applies> and insert <might apply>

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Adam Ingram

- 113** In section 60, page 19, line 14, leave out <ground applies> and insert <of the section 65 grounds the court considers might apply>

Adam Ingram

- 114** In section 60, page 19, line 15, leave out from <for> to <applies> and insert <why the court considers that the ground might apply>

Adam Ingram

- 126** Leave out section 68

Court's power to provide information to Principal Reporter: relevant proceedings

Ken Macintosh

- 174** In section 60, page 19, leave out line 29 and insert—
<(j) proceedings for an order under section 11 of the 1995 Act,>

Investigation and determination by Principal Reporter

Adam Ingram

- 116** In section 64, page 20, line 25, after <where> insert—
<()>

Adam Ingram

- 117** In section 64, page 20, line 33, at end insert <, or
() it appears to the Principal Reporter that a child might be in need of protection, guidance, treatment or control.>

Adam Ingram

- 121** In section 66, page 22, line 20, leave out from <the> to <child> in line 21 and insert <, having made a determination under section 64(2) in relation to a child, the Principal Reporter considers>

Adam Ingram

- 122** In section 66, page 22, line 23, leave out from beginning to <is> in line 24 and insert <it is not>

Adam Ingram

- 123** In section 67, page 23, line 17, leave out <the Principal Reporter determines under section 64(2)> and insert <, having made a determination under section 64(2) in relation to a child, the Principal Reporter considers>

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Adam Ingram

- 124 In section 67, page 23, leave out line 18

Section 65 grounds

Ken Macintosh

- 175 In section 65, page 21, line 18, after second <to> insert <domestic abuse or>

Ken Macintosh

- 176 In section 65, page 21, leave out lines 29 and 30

Adam Ingram

- 118 In section 65, page 21, line 31, leave out <been convicted of> and insert <committed>

Adam Ingram

- 119 In section 65, page 22, line 3, leave out <not within> and insert <beyond>

Ken Macintosh

- 177 In section 65, page 22, line 5, at end insert—

<() the child—

- (i) is being, or is likely to be, subjected to physical, emotional or other pressure to enter into a marriage or civil partnership, or
- (ii) is, or is likely to become, a member of the same household as such a child.>

Adam Ingram

- 120 In section 65, page 22, line 10, at end insert—

<(3A) The Scottish Ministers may by order—

- (a) amend subsection (2) by—

- (i) adding a ground,
 - (ii) removing a ground for the time being mentioned in it, or
 - (iii) amending a ground for the time being mentioned in it, and

- (b) make such other amendments of this section as appear to the Scottish Ministers to be necessary or expedient in consequence of provision made under paragraph (a).

(3B) An order under subsection (3A) is subject to the affirmative procedure.>

Determination by Principal Reporter: referral to other agency

Ken Macintosh

- 178 In section 66, page 23, line 8, after second <child> insert <or other agency>

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Ken Macintosh

- 179** In section 66, page 23, line 9, leave out <authority's> and insert <authority or other agency>

Warrants to secure attendance

Adam Ingram

- 125** In section 67, page 23, line 23, leave out subsections (3) and (4)

Adam Ingram

- 157** In section 121, page 45, line 23, leave out subsection (4)

Adam Ingram

- 159** Before section 123, insert—

<General power of children's hearing to grant warrant to secure attendance

- (1) This section applies where in relation to a child—
 - (a) a children's hearing has been or is to be arranged, or
 - (b) a hearing is to take place under Part 10.
- (2) On the application of the Principal Reporter, any children's hearing may on cause shown grant a warrant to secure the attendance of the child at the children's hearing or, as the case may be, the hearing under Part 10.>

Adam Ingram

- 165** In section 136, page 50, line 32, leave out subsection (3)

Adam Ingram

- 191** In section 88, page 31, line 20, leave out subsection (4)

Adam Ingram

- 193** In section 89, page 32, line 5, leave out subsection (5)

Requirements under Antisocial Behaviour etc. (Scotland) Act

Adam Ingram

- 127** In section 69, page 24, line 7, leave out <12(1)> and insert <12(1A)>

Adam Ingram

- 128** In section 69, page 24, line 9, leave out from <for> to <child> in line 10

Adam Ingram

- 129** In section 69, page 24, line 13, leave out <a section 65 ground> and insert <the section 65 ground specified in the statement given to the Principal Reporter under section 12 of the Antisocial Behaviour etc. (Scotland) Act 2004>

THIS IS NOT THE MARSHALLED LIST

Adam Ingram

- 130 In section 69, page 24, line 13 at end insert <, and
() the sheriff had directed the Principal Reporter under section 113(2) to arrange a children's hearing.>

Adam Ingram

- 131 In section 69, page 24, line 14, leave out subsection (3)

Adam Ingram

- 161 In section 126, page 47, line 1, leave out <12(1)> and insert <12(1A)>

Adam Ingram

- 162 In section 126, page 47, line 3, leave out from <for> to <already> in line 5 and insert <, and
() a compulsory supervision order is>

Adam Ingram

- 170 In schedule 5, page 107, line 2, leave out <12(1)> and insert <12>

Adam Ingram

- 171 In schedule 5, page 107, line 3, leave out from <the> to end of line 7 and insert <subsection (1) substitute—

“(1) This section applies where—

- (a) the sheriff makes an antisocial behaviour order or an interim order in respect of a child, and
- (b) the sheriff considers that a section 65 ground (other than the ground mentioned in section 65(2)(j)) applies in relation to the child.

(1A) The sheriff may require the Principal Reporter to arrange a children's hearing.

(1B) The sheriff must give the Principal Reporter a section 12 statement if—

- (a) the sheriff makes a requirement under subsection (1A), and
- (b) a compulsory supervision order is not in force in relation to the child.

(1C) A section 12 statement is a statement—

- (a) specifying which of the section 65 grounds the sheriff considers applies in relation to the child,
- (b) setting out the reasons why the sheriff considers the ground applies, and
- (c) setting out any other information about the child which appears to the sheriff to be relevant.

(1D) In this section—

“compulsory supervision order” has the meaning given by section 97 of the Children's Hearings (Scotland) Act 2010,

“section 65 ground” means a ground mentioned in section 65(2) of that Act.”>

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Cases remitted under section 49 of the Criminal Procedure (Scotland) Act 1995

Adam Ingram

- 132** In section 70, page 24, line 16, leave out from beginning to <(7)(b)> and insert <This section applies where under section 49>

Adam Ingram

- 133** In section 70, page 24, line 18, at end insert <, and
() a compulsory supervision order is not in force in relation to the child or person whose case is remitted.>

Adam Ingram

- 134** In section 70, page 24, line 24, leave out <a section 65 ground> and insert <the ground in section 65(2)(j)>

Adam Ingram

- 135** In section 70, page 24, line 25, at end insert <, and
() the sheriff had directed the Principal Reporter under section 113(2) to arrange a children's hearing.>

Adam Ingram

- 136** In section 70, page 24, line 26, leave out subsection (4)

Adam Ingram

- 137** In section 70, page 24, line 27, leave out subsection (5)

Adam Ingram

- 163** After section 126, insert—

<Case remitted under section 49 of Criminal Procedure (Scotland) Act 1995

- (1) This section applies where, in relation to a child—
- (a) a court remits a case under section 49 of the Criminal Procedure (Scotland) Act 1995 to the Principal Reporter to arrange for the disposal of the case by a children's hearing, and
- (b) a compulsory supervision order is in force in relation to the child.
- (2) The Principal Reporter must initiate a review of the compulsory supervision order.
- (3) A certificate signed by the clerk of the court stating that the child has pled guilty to, or been found guilty of, the offence to which the case relates is conclusive evidence for the purposes of the children's hearing held for the purposes of reviewing the order that the offence was committed by the child.
- (4) This Act applies as if the plea of guilty, or the finding of guilt, were a determination of the sheriff under section 113 that the ground in section 65(2)(j) was established in relation to the child.>

Adam Ingram

- 169** In section 184, page 81, line 13, at end insert—

THIS IS NOT THE MARSHALLED LIST

- <(5) Subsection (6) applies where a case is remitted to the Principal Reporter under section 49(7)(b) of the Criminal Procedure (Scotland) Act 1995.
- (6) For the purposes of the application of this Act to the person whose case is remitted, references in this Act to a child include references to the person until whichever of the following first occurs—
 - (a) a children's hearing or the sheriff discharges the referral,
 - (b) a compulsory supervision order made in respect of the person is terminated, or
 - (c) the person becomes 18 years of age.>

Child's and relevant person's duty to attend children's hearing

Adam Ingram

- 138** In section 72, page 25, line 4, leave out <notice of a children's hearing is given> and insert <a children's hearing is, or is to be, arranged in relation>

Adam Ingram

- 139** In section 72, page 25, line 8, leave out <The> and insert <A>

Adam Ingram

- 140** In section 72, page 25, line 9, leave out <where> and insert <if the children's hearing is satisfied that>

Adam Ingram

- 141** In section 72, page 25, line 10, leave out from <child> to <(c.46)> in line 12 and insert <hearing relates to the ground mentioned in section 65(2)(b), (c), (d) or (g)>

Adam Ingram

- 142** In section 72, page 25, line 19, leave out from <of> to <considered> in line 20 and insert <given in compliance with section 84(1)>

Adam Ingram

- 143** In section 73, page 25, line 24, leave out from <notice> to end of line 25 and insert <a children's hearing is, or is to be, arranged in relation to a child.>

Adam Ingram

- 144** In section 73, page 25, line 26, leave out <The relevant person> and insert <Each relevant person in relation to the child who is notified of the children's hearing by virtue of rules under section 170>

Adam Ingram

- 145** In section 73, page 25, line 28, leave out <the relevant person>

Adam Ingram

- 146** In section 73, page 25, line 29, leave out first <The> and insert <A>

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Adam Ingram

- 147** In section 73, page 25, line 29, leave out second <the> and insert <a>

Adam Ingram

- 148** In section 73, page 25, line 30, leave out <where> and insert <if the children's hearing is satisfied that>

Adam Ingram

- 153** In section 78, page 28, line 7, at end insert—

- <() For the purposes of subsection (3)(a), the pre-hearing panel may excuse the child from attending the children's hearing only if—
 - (a) the pre-hearing panel is satisfied that any of paragraphs (a) to (c) of section 72(3) applies, or
 - (b) the child may be excused under rules under section 170.
- () For the purposes of subsection (3)(b), the pre-hearing panel may excuse a relevant person in relation to the child from attending the children's hearing only if—
 - (a) the pre-hearing panel is satisfied that section 73(3)(a) or (b) applies, or
 - (b) the relevant person may be excused under rules under section 170.>

Adam Ingram

- 192** In section 88, page 31, line 23, leave out subsections (5) and (6)

Adam Ingram

- 158** In section 121, page 45, line 26, leave out subsections (5) and (6)

Adam Ingram

- 160** Leave out section 124

Adam Ingram

- 164** In section 135, page 50, line 21, leave out <124> and insert <72(2), 73(2) or 78>

Adam Ingram

- 166** In section 136, page 50, line 35, leave out subsections (4) and (5)

Right to attend children's hearing

Ken Macintosh

- 180** In section 77, page 26, line 34, after <team> insert <, as established under schedule 1 of this Act,>

Ken Macintosh

- 181** In section 77, page 26, line 35, after <(5)> insert <and section 174>

THIS IS NOT THE MARSHALLED LIST

Ken Macintosh

- 182 In section 77, page 27, line 18, after <person> insert <, where appropriate to do so,>

Relevant persons

Ken Macintosh

- 183 In section 78, page 27, line 26, leave out <deemed to be> and insert <treated as>

Adam Ingram

- 221 In section 78, page 27, line 29, leave out <the individual in question> and insert—
 <(i) the individual in question,
 (ii) the child, or
 (iii) a relevant person in relation to the child,

Adam Ingram

- 150 In section 78, page 27, leave out lines 32 and 33

Ken Macintosh

- 184 In section 80, page 28, line 24, leave out <deem the individual to be> and insert <treat the individual as>

Ken Macintosh

- 185 In section 80, page 28, line 25, after <individual> insert—
 <() is a parent or other person who should, as a result of a family connection
 with the child, be involved in discussion at the children's hearing,
 ()>

Ken Macintosh

- 186 In section 80, page 28, line 26, at end insert—
 <(3A) A person who is to be treated as a relevant person as a result of a decision of a pre-hearing panel or children's hearing will continue to be treated as a relevant person unless and until a children's hearing decides that neither of the conditions in subsection (3) apply.>

Ken Macintosh

- 187 In section 80, page 28, line 27, leave out <deems the individual to be> and insert <has decided that the individual is>

Ken Macintosh

- 188 In section 80, page 28, line 28, after first <person> insert <, and no decision has been taken of the kind referred to in subsection (3A) resulting in that person ceasing to be treated as a relevant person>

THIS IS NOT THE MARSHALLED LIST

Adam Ingram

- 154** In section 80, page 28, line 29, leave out from first <of> to <(c.47) in line 30>

Adam Ingram

- 155** In section 80, page 28, line 32, at end insert—

<() any pre-hearing panel held in connection with a children’s hearing mentioned in paragraph (a), (b) or (d),>

Ken Macintosh

- 203** In section 155, page 58, line 32, leave out <deemed> and insert <treated as>

Ken Macintosh

- 204** In section 155, page 59, line 5, leave out <deemed to be> and insert <to be treated as>

Ken Macintosh

- 205** In section 155, page 59, line 8, leave out <deemed> and insert <treated as>

Ken Macintosh

- 206** In section 155, page 59, line 8, leave out <deeming the individual to be> and insert <providing that the individual be treated as>

Adam Ingram

- 168** In section 178, page 75, line 14, at end insert <, and

() includes a person deemed to be a relevant person by virtue of section 80(3), 155(4)(b) or 158(6) of that Act.>

Ken Macintosh

- 216** In section 185, page 81, line 32, at end insert—

<() a person who a pre-panel hearing or children’s hearing has decided is a relevant person and who has not ceased to be a relevant person.>

Secure accommodation authorisations: legal aid

Adam Ingram

- 151** In section 78, page 28, leave out lines 4 to 7 and insert—

<() whether it is likely that the children’s hearing will consider making a compulsory supervision order including a secure accommodation authorisation in relation to the child.>

THIS IS NOT THE MARSHALLED LIST

Pre-hearing panels: other matters to be specified in rules

Adam Ingram

152 In section 78, page 28, line 7, at end insert—

<() a matter specified in rules under section 170(2)(za).>

Adam Ingram

167 In section 170, page 69, line 24, at end insert—

<(za) specifying matters that may be determined by pre-hearing panels,>