

2012 No. 335

CHILDREN AND YOUNG PERSONS

The Children's Hearings (Scotland) Act 2011 (Rights of Audience of the Principal Reporter) Regulations 2012

Made - - - - - *6th December 2012*

Laid before the Scottish Parliament *10th December 2012*

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 19(1) and 195(2) of the Children's Hearings (Scotland) Act 2011(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Children's Hearings (Scotland) Act 2011 (Rights of Audience of the Principal Reporter) Regulations 2012 and come into force on the same day as section 19 (rights of audience) of the Act.

Interpretation

2. In these Regulations—

“the Act” means the Children's Hearings (Scotland) Act 2011; and

references to “the Principal Reporter” include references to a person carrying out a function on behalf of the Principal Reporter by virtue of paragraph 10(1) of schedule 3 (delegation of Principal Reporter's functions) to the Act.

Power to conduct proceedings before the sheriff and experience required

3.—(1) The Principal Reporter is empowered to conduct proceedings before the sheriff which require to be conducted by virtue of the Act.

(2) The Principal Reporter is so empowered whether or not the Principal Reporter is an advocate or a solicitor.

(3) For the purposes of section 19(1)(b) of the Act, the prescribed experience that must be acquired by the Principal Reporter before conducting such proceedings before the sheriff is the experience of having been the Principal Reporter for any period, or periods, amounting in total to a minimum of 1 year.

(4) Paragraph (3) does not apply where the Principal Reporter is an advocate or a solicitor.

Power to conduct proceedings before the sheriff principal and experience required

4.—(1) The Principal Reporter is empowered to conduct proceedings before the sheriff principal which require to be conducted by virtue of the Act.

(2) The Principal Reporter is so empowered whether or not the Principal Reporter is an advocate or a solicitor.

(3) For the purposes of section 19(1)(b) of the Act, the prescribed experience that must be acquired by the Principal Reporter before conducting such proceedings before the sheriff principal is the experience of having been the Principal Reporter for any period, or periods, amounting in total to a minimum of 2 years.

(4) Paragraph (3) does not apply where the Principal Reporter is an advocate or a solicitor.

Training required to conduct proceedings before the sheriff or sheriff principal

5.—(1) For the purposes of section 19(1)(b) of the Act the prescribed training that must be undertaken by the Principal Reporter before conducting such proceedings before the sheriff or the sheriff principal is training in court skills and advocacy.

(2) Paragraph (1) applies whether or not the Principal Reporter is an advocate or a solicitor.

AILEEN CAMPBELL

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
6th December 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision concerning the rights of audience of the Principal Reporter in proceedings before the sheriff and sheriff principal. The Principal Reporter includes any reporter to whom the functions of the Principal Reporter have been delegated in accordance with paragraph 10 of schedule 3 to the Children's Hearings (Scotland) Act 2011 ("the Act").

Regulation 3 empowers the Principal Reporter, whether or not the Principal Reporter is an advocate or a solicitor, to conduct proceedings required by virtue of the Act before the sheriff. Where the Principal Reporter is not an advocate or a solicitor, regulation 3 provides that the Principal Reporter must have 1 year's experience of being the Principal Reporter before conducting such proceedings.

Regulation 4 empowers the Principal Reporter, whether or not the Principal Reporter is an advocate or a solicitor, to conduct proceedings required by virtue of the Act before the sheriff principal. Where the Principal Reporter is not an advocate or a solicitor, regulation 4 provides that the Principal Reporter must have 2 years' experience of being the Principal Reporter before conducting such proceedings.

Regulation 5 requires that the Principal Reporter, whether or not the Principal Reporter is an advocate or a solicitor, must have undertaken training in court skills and advocacy before conducting proceedings before the sheriff or sheriff principal.

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