

Education, Children and Young People Committee
Wednesday 11 February 2026
6th Meeting, 2026 (Session 6)

Note by the Clerk on The Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2026 (SSI 2026/30)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: [The Children's Hearings \(Scotland\) Act 2011 \(Rules of Procedure in Children's Hearings\) Amendment Rules 2026](#)

Laid under: [The Children's Hearings \(Scotland\) Act 2011](#)

Laid on: 27 January 2026

Procedure: Negative

Deadline for committee consideration: 2 March 2026

Deadline for Chamber consideration: 7 March 2026

Procedure

3. Under the negative procedure, an instrument is laid after it is made and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee will consider the instrument on 10 February 2026 and [publish a report on this consideration on its webpage](#).

Purpose of the instrument

8. These Rules amend the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 ("the 2013 Rules") in consequence of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 ("the 2024 Act"). Section 34 of the 2024 Act requires that a compatibility question raised in any proceedings before a court or tribunal be intimated to the Lord Advocate, the Commissioner for Children and Young People in Scotland and the Scottish Commission for Human Rights.
9. The Policy Note accompanying the instrument is included in Annexe A. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

Committee consideration

10. So far, no motion recommending annulment has been lodged.
11. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

12. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
13. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
February 2026

Annexe A: Scottish Government Policy Note

POLICY NOTE

THE CHILDREN'S HEARINGS (SCOTLAND) ACT 2011 (RULES OF PROCEDURE IN CHILDREN'S HEARINGS) AMENDMENT RULES 2026

SSI 2026/30

The above instrument was made in exercise of the powers conferred by section 177 of the Children's Hearings (Scotland) Act 2011, section 44(2) and (3) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 and all other powers enabling them to do so. It is subject to negative procedure.

Summary Box

The UNCRC (Incorporation) (Scotland) Act 2024 introduced an obligation on all tribunals to refer a compatibility question to the relevant authorities, namely the Children and Young Persons Commissioner, the Scottish Human Rights Commission and the Lord Advocate. These amendments to the rules outline explicitly how this works within the Children's Hearings rules of procedure and sets the expectations in dealing with such a question.

Policy Objectives

The policy intention is to ensure that the rules of procedure are clear regarding the existing obligations on children's hearings when a compatibility question under the UNCRC (Incorporation) (Scotland) Act 2024 arises. The rules outline who can raise a compatibility question, in what form and at what stage. The rules clarify the information that should be included in a compatibility question, and specify the process to be followed by a hearing in considering the terms of the compatibility question and intimating the compatibility question to the relevant authorities. The rules set time limits and expectations around the information that should be shared with the relevant authorities which will ensure consistency across tribunals.

The Rules specify the timescales for relevant authorities giving notice that they intend to intervene in proceedings, and that in doing so relevant authorities are only parties insofar as proceedings relate to the compatibility question. They require the children's hearing to facilitate the relevant authority's participation in proceedings as necessary.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Amendment Rules 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This draft amending instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

The Scottish Government has consulted with relevant statutory bodies who are impacted by the relevant sections of the UNCRC (Incorporation) (Scotland) Act 2024 and the implementation of the Amendment Rules. This consultation comprised of two phases, a consultation on indicative draft rules along with questions, followed by a consultation on the rules.

The amending instrument has been adjusted further to this engagement.

Impact Assessments

An impact assessment regarding Child Rights and Wellbeing (CRWIA) and the Scottish Government has concluded that the proposal will have a positive impact on children's rights.

The published CRWIA can be found on legislation.gov.uk alongside the SSI.

Financial Effects

The Minister for Children, Young People and The Promise confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Children and Families Directorate
January 2026