EXECUTIVE NOTE

THE ADMINISTRATIVE JUSTICE AND TRIBUNALS COUNCIL (LISTED TRIBUNALS) (SCOTLAND) AMENDMENT ORDER 2011

SSI 2011/405

The above instrument is proposed to be made by Scottish Ministers in exercise of the powers conferred by section 49(3) of and paragraph 25(2) of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007 ("the 2007 Act"), section 204(1) of the Children's Hearings (Scotland) Act 2011 ("the 2011 Act") and all other powers enabling them to do so. The Order is subject to the negative resolution procedure.

Policy objectives

The Scottish Ministers have an obligation to consult the Administrative Justice and Tribunals Council under the Administrative Justice and Tribunals Council (Listed Tribunals) (Scotland) Order 2007 ("the 2007 Order") on any procedural rules made in respect of a children's hearing constituted and arranged in pursuance of the Children (Scotland) Act 1995.

The 2011 Act makes a number of changes to the operation of the children's hearings system and provides for the making of procedural rules in relation to hearings held under that Act. In order that the Administrative Justice and Tribunals Council continues to be a statutory consultee in relation to children's hearings, the Order proposes amending the 2007 Order to provide that Scottish Ministers must consult the Administrative Justice and Tribunals Council on procedural rules relating to children's hearings held under the 2011 Act. The need to make this amendment was highlighted at paragraph 69 of the Delegated Policy Memorandum which accompanied the Children's Hearings (Scotland) Bill.

The proposed amendment to the 2007 Order will also ensure that the Administrative Justice and Tribunals Council will continue to have powers, for example, to review and report on children's hearings, to scrutinise and comment on legislation relating to children's hearings and to attend as an observer at children's hearings.

Consultation

Consultation on this instrument has been carried out with the Scottish Committee of the Administrative Justice and Tribunals Council and they welcome the opportunity to carry out continued scrutiny of children's hearings in Scotland.

Impact assessments

There are no equality impact issues.

Financial effects

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

Scottish Government
Children and Families Directorate

21 November 2011