



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 15 **S**

#### APPEALS

##### *Appeal against decision of children's hearing*

#### 155 Procedure **S**

- (1) This section applies where an appeal under section 154 is made.
- (2) The Principal Reporter must lodge with the sheriff clerk a copy of—
  - (a) the decision, and the reasons for the decision, of the children's hearing,
  - (b) all information provided by virtue of rules under section 177 to the children's hearing, and
  - (c) the report of the children's hearing.
- (3) The appeal must not be heard in open court.
- (4) The sheriff may (but need not) hear evidence before determining the appeal.
- (5) The sheriff may hear evidence from—
  - (a) the child,
  - (b) a relevant person in relation to the child,
  - (c) an author or compiler of a report or statement provided to the children's hearing that made the decision,
  - (d) the Principal Reporter,
  - (e) where the appeal is against a decision to make, grant, vary or continue an order or warrant including a secure accommodation authorisation in respect of the child—
    - (i) the person in charge of the secure accommodation specified in the secure accommodation authorisation, and
    - (ii) the chief social work officer, and
  - (f) any other person who the sheriff considers may give material additional evidence.

**Changes to legislation:** Children's Hearings (Scotland) Act 2011, Section 155 is up to date with all changes known to be in force on or before 29 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (6) The sheriff may require any person to give a report to the sheriff for the purpose of assisting the sheriff in determining the appeal.
- (7) Subsection (6) applies in relation to a safeguarder only if regulations under <sup>[F1]</sup>section 34] so provide.

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**Textual Amendments**

- F1** Words in s. 155(7) substituted (24.6.2013) by [The Children's Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, [Sch. 1 para. 20\(14\)](#)

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**Commencement Information**

- I1** S. 155 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)