



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 15

#### APPEALS

##### *Other appeals*

#### **160 Appeal to sheriff against relevant person determination**

- (1) A person mentioned in subsection (2) may appeal to the sheriff against—
  - [<sup>F1</sup>(a) a determination of a pre-hearing panel or a children's hearing that an individual—
    - (i) is or is not to be deemed a relevant person in relation to a child,
    - (ii) is to continue to be deemed, or is no longer to be deemed, a relevant person in relation to a child,]
  - (b) a determination of a review under section 142(2) that an individual is to continue to be deemed, or no longer to be deemed, a relevant person in relation to a child.
- (2) The persons are—
  - (a) the individual in question,
  - (b) the child,
  - (c) a relevant person in relation to the child,
  - (d) two or more persons mentioned in paragraphs (a) to (c) acting jointly.
- (3) If satisfied that the determination to which the appeal relates is justified, the sheriff must confirm the determination.
- (4) If not satisfied, the sheriff must—
  - (a) quash the determination, and
  - [<sup>F2</sup>(b) where the determination is of one of the following kinds, make an order deeming the individual to be a relevant person in relation to the child—
    - (i) a determination of a pre-hearing panel or children's hearing under section 81 that the individual is not to be deemed a relevant person in relation to the child,

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**Changes to legislation:** Children's Hearings (Scotland) Act 2011, Section 160 is up to date with all changes known to be in force on or before 27 May 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](#)

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- (ii) a determination of a pre-hearing panel or children's hearing under section 81A that the person is no longer to be deemed a relevant person in relation to the child.]
- (5) Where the sheriff makes an order under subsection (4)(b), section 81(4) applies to the individual as if a pre-hearing panel had deemed the individual to be a relevant person.
- (6) An appeal under this section must be—
- (a) made before the expiry of the period of 7 days beginning with the day on which the determination is made,
  - (b) heard and disposed of before the expiry of the period of 3 days beginning with the day on which the appeal is made.

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#### Textual Amendments

- F1** S. 160(1)(a) substituted (26.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), s. 102(3), [Sch. 5 para. 12\(8\)](#); [S.S.I. 2014/353](#), art. 2(2)(3), Sch.
- F2** S. 160(4)(b) substituted (26.7.2021) by [Children \(Scotland\) Act 2020 \(asp 16\)](#), [ss. 26\(2\)](#), 34(2); [S.S.I. 2020/412](#), reg. 2(2)(d)
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#### Commencement Information

- I1** S. 160 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

**Changes to legislation:**

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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\(5\)\(b\)](#)