



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 8

PRE-HEARING PANEL

81 Determination of claim that person be deemed a relevant person

- (1) This section applies where a matter mentioned in section 79(2)(a) (a “relevant person claim”) is referred to a meeting of a pre-hearing panel.
- (2) Where the relevant person claim is referred along with any other matter, the pre-hearing panel must determine the relevant person claim before determining the other matter.
- (3) The pre-hearing panel must deem the individual to be a relevant person if it considers that the individual has (or has recently had) a significant involvement in the upbringing of the child.
- (4) Where the pre-hearing panel deems the individual to be a relevant person, the individual is to be treated as a relevant person for the purposes of Parts 7 to 15, 17 and 18 in so far as they relate to—
 - (a) the children's hearing,
 - (b) any subsequent children's hearing under Part 11,
 - (c) any pre-hearing panel held in connection with a children's hearing mentioned in paragraph (a), (b) or (e),
 - (d) any compulsory supervision order, interim compulsory supervision order, medical examination order, or warrant to secure attendance made by—
 - (i) a hearing mentioned in paragraph (a) or (b),
 - (ii) the sheriff in any court proceedings falling within paragraph (f),
 - (e) any children's hearing held for the purposes of reviewing a compulsory supervision order falling within paragraph (d),
 - (f) any court proceedings held in connection with a hearing mentioned in paragraph (a), (b) or (e),
 - (g) any court proceedings held in connection with an order or warrant falling within paragraph (d),
 - (h) the implementation of an order or warrant falling within paragraph (d).

Status: This is the original version (as it was originally enacted).

- (5) The Scottish Ministers may by order—
- (a) amend subsection (3),
 - (b) in consequence of provision made under paragraph (a), make such other amendments as appear to the Scottish Ministers to be necessary or expedient to—
 - (i) section 43,
 - (ii) section 48,
 - (iii) section 51,
 - (iv) this section,
 - (v) section 142.
- (6) An order under subsection (5) is subject to the affirmative procedure.
- (7) Where, by virtue of section 80(3), the children's hearing is to determine the relevant person claim, references in subsections (2) to (4) (other than paragraph (c) of subsection (4)) to the pre-hearing panel are to be read as references to the children's hearing.