



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 15

APPEALS

Appeal against decision of children's hearing

156 Determination of appeal

- (1) If satisfied that the decision to which an appeal under section 154 relates is justified, the sheriff—
 - (a) must confirm the decision, and
 - (b) may take one or more of the steps mentioned in subsection (3) if satisfied that the circumstances of the child in relation to whom the decision was made have changed since the decision was made.
- (2) In any other case, the sheriff—
 - (a) must—
 - (i) where the decision is a decision to grant a warrant to secure attendance, recall the warrant,
 - (ii) where the decision is a decision to make an interim compulsory supervision order or a medical examination order, terminate the order,
 - (b) may take one or more of the steps mentioned in subsection (3).
- (3) Those steps are—
 - (a) require the Principal Reporter to arrange a children's hearing for any purpose for which a hearing can be arranged under this Act,
 - (b) continue, vary or terminate any order, interim variation or warrant which is in effect,
 - (c) discharge the child from any further hearing or other proceedings in relation to the grounds that gave rise to the decision,
 - (d) make an interim compulsory supervision order or interim variation of a compulsory supervision order, or
 - (e) grant a warrant to secure attendance.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 156 is up to date with all changes known to be in force on or before 26 July 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](#)

- [^{F1}(3A) If the sheriff continues or varies a compulsory supervision order under subsection (3)(b), the sheriff—
- (a) must, if the order contains a movement restriction condition (or is being varied so as to include such a condition), require the order to be reviewed by a children's hearing on a day or within a period specified in the order,
 - (b) may, in any other case, require the order to be so reviewed.]
- (4) If the sheriff discharges a child under subsection (3)(c), the sheriff must also terminate any order or warrant which is in effect in relation to the child.
- (5) The fact that a sheriff makes, continues or varies an order, or grants a warrant, under subsection (1)(b) or (2)(b) does not prevent a children's hearing from continuing, varying or terminating the order or warrant.

Textual Amendments

- F1** S. 156(3A) inserted (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(15)**
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Commencement Information

- I1** S. 156 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\(5\)\(b\)](#)