

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 13 – Review of Compulsory Supervision Order

Review of relevant person determination

Section 142 – Review of determination that person be deemed a relevant person

205. This section provides for a review of an individual's status as a deemed relevant person where the Children's Hearing considers that they no longer meet the test for deemed relevant person status. The deeming status may only be reviewed when the hearing has been arranged to review the compulsory supervision order. The hearing must first make the decision on the review of the compulsory supervision order. The individual will continue to be treated as the child's relevant person for the purpose of any appeal which arises from the review of the compulsory supervision order.
206. Subsection (2) provides that the hearing must review the deeming status where it considers that the individual may no longer have (nor recently have had) a significant involvement in the upbringing of the child. Subsection (3) provides that the hearing may also defer the decision to a subsequent hearing (which will deal only with the question of the review of the deeming status). Subsection (4) provides that if the hearing determines that the deeming test is no longer met then it must direct that the individual is no longer to be the child's relevant person. Section 81(4) will no longer apply to the individual except for the purposes of any appeal against the review of the compulsory supervision order. The individual will have the right to appeal, under section 160 of this Act, against the determination.