



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 15 **S**

APPEALS

Other appeals

162 Appeal to sheriff against decision to implement secure accommodation authorisation **S**

- (1) This section applies where a relevant order or warrant made in relation to a child includes a secure accommodation authorisation.
- (2) A relevant order or warrant is—
 - (a) a compulsory supervision order,
 - (b) an interim compulsory supervision order,
 - (c) a medical examination order,
 - (d) a warrant to secure attendance.
- (3) The child or a relevant person in relation to the child may appeal to the sheriff against a relevant decision in relation to the authorisation.
- (4) A relevant decision is a decision by the chief social work officer—
 - (a) to implement the authorisation,
 - (b) not to implement the authorisation,
 - (c) to remove the child from secure accommodation.
- (5) An appeal under subsection (3) may be made jointly by—
 - (a) the child and one or more relevant persons in relation to the child, or
 - (b) two or more relevant persons in relation to the child.
- (6) An appeal must not be held in open court.
- (7) The Scottish Ministers may by regulations make further provision about appeals under subsection (3).
- (8) Regulations under subsection (7) may in particular—

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 162 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](#)

- (a) specify the period within which an appeal may be made,
- (b) make provision about the hearing of evidence during an appeal,
- (c) make provision about the powers of the sheriff on determining an appeal,
- (d) provide for appeals to the [^{F1}Sheriff Appeal Court] and Court of Session against the determination of an appeal.

(9) Regulations under subsection (7) are subject to the affirmative procedure.

Textual Amendments

- F1** Words in s. 162(8)(d) substituted (1.1.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential and Supplemental Provisions\) Order 2015 \(S.S.I. 2015/402\)](#), art. 1, **Sch. para. 7(3)** (with art. 5)

Commencement Information

- I1** S. 162 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\(5\)\(b\)](#)