



# 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 <sup>[F1]</sup>, unless that other matter is a matter mentioned in section 79(5A) (a)] 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).

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**Changes to legislation:** Children's Hearings (Scotland) Act 2011, Section 81 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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- (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,
    - [<sup>F2</sup>(iva) section 81A,]
    - (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.

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#### Textual Amendments

- F1** Words in s. 81(2) inserted (26.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), s. 102(3), [Sch. 5 para. 12\(3\)\(a\)](#); S.S.I. 2014/353, art. 2(2)(3), Sch.
- F2** S. 81(5)(b)(iva) inserted (26.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), s. 102(3), [Sch. 5 para. 12\(3\)\(b\)](#); S.S.I. 2014/353, art. 2(2)(3), Sch.
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#### Commencement Information

- I1** S. 81 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\(5\)\(b\)](#)