

CHILDREN (SCOTLAND) ACT 2020

EXPLANATORY NOTES

THE ACT

Detailed provisions

Appeals under Children's Hearings (Scotland) Act 2011

98. Section 26 amends sections 160 and 164 of the 2011 Act to make clear that the existing right of appeal against a decision that an individual is or is not deemed as a relevant person in relation to a child also applies to a decision that an individual is to 'continue to be deemed' or 'no longer to be deemed' a relevant person.
99. This section of the Act also extends the section 164 right of appeal to the Principal Reporter. This does not take away the right of appeal already available to the child themselves, the individual in question, a relevant person in relation to the child or two or more persons together. The Principal Reporter will continue to have no right of appeal against a children's hearing decision or a sheriff's decision which confirms a decision of a children's hearing. These sections will not allow the Principal Reporter to act together with any of the other specified persons.
100. Section 26(4) and (5) amends the Legal Aid (Scotland) Act 1986. The effect is that children's legal aid may now be available in an appeal when the appeal relates to whether a person is no longer to be deemed or is to continue to be deemed as a relevant person.
101. Section 27 makes provision so that appeals against the sheriff's decision in a children's hearings case are to the Sheriff Appeal Court. Appeals from the Sheriff Appeal Court may go to the Court of Session with the permission of the Sheriff Appeal Court or the Court of Session. This aligns the route of appeal in children's hearings proceedings with other civil proceedings.