



Children (Scotland) Act 2020

2020 asp 16

Children's hearings

26 Appeal against relevant person decision

- (1) The Children's Hearings (Scotland) Act 2011 is modified by subsections (2) and (3).
- (2) In section 160 (appeal to sheriff against relevant person determination) in subsection (4) for paragraph (b) substitute—
 - “(b) where the determination is of one of the following kinds, make an order deeming the individual to be a relevant person in relation to the child—
 - (i) a determination of a pre-hearing panel or children's hearing under section 81 that the individual is not to be deemed a relevant person in relation to the child,
 - (ii) a determination of a pre-hearing panel or children's hearing under section 81A that the person is no longer to be deemed a relevant person in relation to the child.”.
- (3) In section 164 (which provides for an appeal against a sheriff's relevant person decision)—
 - (a) in subsection (1), for the words from “a determination” to the end substitute—
 - (a) a decision of the sheriff in an appeal against a determination of a pre-hearing panel or children's hearing that an individual—
 - (i) is or is not to be deemed a relevant person in relation to a child,
 - (ii) is to continue to be deemed, or is no longer to be deemed, a relevant person in relation to a child,
 - (b) a decision of the sheriff in an appeal against a determination of a review under section 142(2) that an individual is to continue to be deemed, or is no longer to be deemed, a relevant person in relation to a child.”,
 - (b) in subsection (3), after paragraph (d) insert—
 - “(e) the Principal Reporter.”,

Changes to legislation: There are currently no known outstanding effects for the Children (Scotland) Act 2020, Section 26. (See end of Document for details)

(c) after subsection (3) insert—

“(3A) Despite subsection (1), the Principal Reporter may not appeal against a decision by the sheriff confirming a determination of a children's hearing.”.

(4) The Legal Aid (Scotland) Act 1986 is modified by subsection (5).

(5) In section 28F (availability of children's legal aid: appeals relating to deemed relevant person)—

- (a) in subsection (1)(d)(i), after “not to be deemed” insert “ , or is no longer to be deemed, ”,
- (b) in subsection (1)(d)(ii), after “to be deemed” insert “ , or is to continue to be deemed, ”,
- (c) in subsection (1)(e), after “not to be deemed” insert “ , or is no longer to be deemed, ”.

Commencement Information

II S. 26 in force at 26.7.2021 by [S.S.I. 2020/412](#), **reg. 2(2)(d)**

Changes to legislation:

There are currently no known outstanding effects for the Children (Scotland) Act 2020, Section 26.