



# 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.”,

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*Status: This is the original version (as it was originally enacted).*

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(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,”.