



Children (Scotland) Act 2020

2020 asp 16

Children's hearings

27 Appeals to Sheriff Appeal Court and Court of Session

- (1) The Children's Hearings (Scotland) Act 2011 is modified as follows.
- (2) The italic heading preceding section 163 becomes "*Appeals to Sheriff Appeal Court and Court of Session*".
- (3) In section 163 (appeals to sheriff principal and Court of Session: children's hearings etc.)—
 - (a) in subsection (1), for "sheriff principal or the Court of Session" substitute "Sheriff Appeal Court",
 - (b) for subsection (2) substitute—
 - "(2) A person mentioned in subsection (3) may appeal to the Court of Session against a Sheriff Appeal Court's decision in an appeal under subsection (1) only—
 - (a) with the permission of the Sheriff Appeal Court, or
 - (b) if that Court has refused permission, with the permission of the Court of Session.
 - (2A) The Sheriff Appeal Court or the Court of Session may grant permission under subsection (2) only if the Court considers that—
 - (a) the appeal would raise an important point of principle or practice, or
 - (b) there is some other compelling reason for the Court of Session to hear the appeal.
 - (2B) The Sheriff Appeal Court's decision in an appeal under subsection (1) may not be appealed against under section 113 of the Courts Reform (Scotland) Act 2014.",
 - (c) in subsection (4)(b), for "sheriff principal's" substitute "Sheriff Appeal Court's",
 - (d) in subsection (6)(b), for "sheriff principal's" substitute "Sheriff Appeal Court's",

Status: This is the original version (as it was originally enacted).

- (e) in subsection (10), for “sheriff principal or the Court of Session” substitute “Sheriff Appeal Court”,
 - (f) in subsection (11) the words “(1) or” are repealed,
 - (g) the section’s title becomes “**Appeals to Sheriff Appeal Court and Court of Session: children’s hearings etc.**”.
- (4) In section 164 (appeals to sheriff principal and Court of Session: relevant persons)—
- (a) in subsection (1), for “sheriff principal or the Court of Session” substitute “Sheriff Appeal Court”,
 - (b) for subsection (2) substitute—
 - “(2) A person mentioned in subsection (3) may appeal to the Court of Session against a Sheriff Appeal Court’s decision in an appeal under subsection (1) only—
 - (a) with the permission of the Sheriff Appeal Court, or
 - (b) if that Court has refused permission, with the permission of the Court of Session.
 - (2A) The Sheriff Appeal Court or the Court of Session may grant permission under subsection (2) only if the Court considers that—
 - (a) the appeal would raise an important point of principle or practice, or
 - (b) there is some other compelling reason for the Court of Session to hear the appeal.
 - (2B) The Sheriff Appeal Court’s decision in an appeal under subsection (1) may not be appealed against under section 113 of the Courts Reform (Scotland) Act 2014.”,
 - (c) in subsection (6), for “sheriff principal or the Court of Session” substitute “Sheriff Appeal Court”,
 - (d) in subsection (7), the words “(1) or” are repealed,
 - (e) the section’s title becomes “**Appeals to Sheriff Appeal Court and Court of Session: relevant persons**”.
- (5) In section 165 (appeals to sheriff principal and Court of Session: contact and permanence orders)—
- (a) in subsection (1), for “sheriff principal or the Court of Session” substitute “Sheriff Appeal Court”,
 - (b) for subsection (2) substitute—
 - “(2) A person mentioned in subsection (3) may appeal to the Court of Session against a Sheriff Appeal Court’s decision in an appeal under subsection (1) only—
 - (a) with the permission of the Sheriff Appeal Court, or
 - (b) if that Court has refused permission, with the permission of the Court of Session.
 - (2A) The Sheriff Appeal Court or the Court of Session may grant permission under subsection (2) only if the Court considers that—
 - (a) the appeal would raise an important point of principle or practice, or

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

- (b) there is some other compelling reason for the Court of Session to hear the appeal.
- (2B) The Sheriff Appeal Court’s decision in an appeal under subsection (1) may not be appealed against under section 113 of the Courts Reform (Scotland) Act 2014.”
- (c) in subsection (6), for “sheriff principal or the Court of Session” substitute “Sheriff Appeal Court”,
 - (d) in subsection (7), the words “(1) or” are repealed,
 - (e) the section’s title becomes “**Appeals to Sheriff Appeal Court and Court of Session: contact and permanence orders**”.
- (6) In section 167 (appeals to sheriff principal: section 166)—
- (a) in subsection (1), for “sheriff principal” substitute “Sheriff Appeal Court”,
 - (b) in subsection (2), for “sheriff principal” substitute “Sheriff Appeal Court”,
 - (c) in subsection (6), for “sheriff principal” substitute “Sheriff Appeal Court”,
 - (d) the section’s title becomes “**Appeals to Sheriff Appeal Court: section 166**”.
- (7) In section 182 (publishing restrictions), in subsection (9), in paragraph (a)(iv) of the definition of “protected information”, for “sheriff principal” substitute “Sheriff Appeal Court”.