



Children's Hearings (Scotland) Act 2011

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PART 15

APPEALS

Other appeals

160 Appeal to sheriff against relevant person determination

- (1) A person mentioned in subsection (2) may appeal to the sheriff against—
 - (a) a determination of a pre-hearing panel or children's hearing that an individual is or is not to be deemed a relevant person in relation to a child,
 - (b) a determination of a review under section 142(2) that an individual is to continue to be deemed, or no longer to be deemed, a relevant person in relation to a child.
- (2) The persons are—
 - (a) the individual in question,
 - (b) the child,
 - (c) a relevant person in relation to the child,
 - (d) two or more persons mentioned in paragraphs (a) to (c) acting jointly.
- (3) If satisfied that the determination to which the appeal relates is justified, the sheriff must confirm the determination.
- (4) If not satisfied, the sheriff must—
 - (a) quash the determination, and
 - (b) where the determination is a determination of a pre-hearing panel or children's hearing under section 81 that the individual should not be deemed a relevant person in relation to the child, make an order deeming the individual to be a relevant person in relation to the child.
- (5) Where the sheriff makes an order under subsection (4)(b), section 81(4) applies to the individual as if a pre-hearing panel had deemed the individual to be a relevant person.
- (6) An appeal under this section must be—

- (a) made before the expiry of the period of 7 days beginning with the day on which the determination is made,
- (b) heard and disposed of before the expiry of the period of 3 days beginning with the day on which the appeal is made.

161 Appeal to sheriff against decision affecting contact or permanence order

- (1) A person mentioned in subsection (2) may appeal to the sheriff against a relevant decision of a children's hearing in relation to a child.
- (2) The person is an individual (other than a relevant person in relation to the child) in relation to whom—
 - (a) a contact order is in force regulating contact between the individual and the child,
 - (b) a permanence order is in force which specifies arrangements for contact between the individual and the child, or
 - (c) the conditions specified for the purposes of section 126(2)(b) are satisfied.
- (3) A relevant decision is a decision under section 126(6) relating to a compulsory supervision order.
- (4) If the sheriff is satisfied that the relevant decision is justified, the sheriff must confirm the decision.
- (5) If not satisfied, the sheriff must vary the compulsory supervision order by varying or removing the measure contained in the order under section 83(2)(g).
- (6) An appeal under this section must be—
 - (a) made before the expiry of the period of 21 days beginning with the day on which the relevant decision is made,
 - (b) heard and disposed of before the expiry of the period of 3 days beginning with the day on which the appeal is made.

162 Appeal to sheriff against decision to implement secure accommodation authorisation

- (1) This section applies where a relevant order or warrant made in relation to a child includes a secure accommodation authorisation.
- (2) A relevant order or warrant is—
 - (a) a compulsory supervision order,
 - (b) an interim compulsory supervision order,
 - (c) a medical examination order,
 - (d) a warrant to secure attendance.
- (3) The child or a relevant person in relation to the child may appeal to the sheriff against a relevant decision in relation to the authorisation.
- (4) A relevant decision is a decision by the chief social work officer—
 - (a) to implement the authorisation,
 - (b) not to implement the authorisation,
 - (c) to remove the child from secure accommodation.

- (5) An appeal under subsection (3) may be made jointly by—
 - (a) the child and one or more relevant persons in relation to the child, or
 - (b) two or more relevant persons in relation to the child.
- (6) An appeal must not be held in open court.
- (7) The Scottish Ministers may by regulations make further provision about appeals under subsection (3).
- (8) Regulations under subsection (7) may in particular—
 - (a) specify the period within which an appeal may be made,
 - (b) make provision about the hearing of evidence during an appeal,
 - (c) make provision about the powers of the sheriff on determining an appeal,
 - (d) provide for appeals to the sheriff principal and Court of Session against the determination of an appeal.
- (9) Regulations under subsection (7) are subject to the affirmative procedure.