



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 15

#### APPEALS

##### *Requirement imposed on local authority: review and appeal*

#### **166 Review of requirement imposed on local authority**

- (1) This section applies where a duty is imposed on a local authority by virtue of—
  - (a) a compulsory supervision order,
  - (b) an interim compulsory supervision order, or
  - (c) a medical examination order.
- (2) If the local authority is satisfied that it is not the relevant local authority for the child in respect of whom the duty is imposed, the local authority may apply to the sheriff for a review of the decision or determination to impose the duty on it.
- (3) The sheriff may review the decision or determination to impose the duty with or without hearing evidence.
- (4) The sheriff may hear evidence from—
  - (a) any local authority,
  - (b) the National Convener,
  - (c) the child in respect of whom the duty is imposed,
  - (d) a person representing that child,
  - (e) a relevant person in relation to that child,
  - (f) a person representing that person.
- (5) Where the duty is imposed on the local authority by a children's hearing, the sheriff may require the Principal Reporter to lodge with the sheriff clerk a copy of the decision (and reasons) of the children's hearing.
- (6) The sheriff must determine which local authority is the relevant local authority for the child.

- (7) Where the local authority that made the application under subsection (2) is the relevant local authority for the child, the sheriff must confirm the decision of the children's hearing or the determination of the sheriff.
- (8) Where another local authority is the relevant local authority for the child, the sheriff—
  - (a) must vary the order which imposed the duty so that the duty falls on that local authority, and
  - (b) may make an order for that local authority to reimburse such sums as the sheriff may determine to the local authority which made the application under subsection (2) for any costs incurred in relation to the duty.

### **167 Appeals to sheriff principal: section 166**

- (1) A local authority may appeal by stated case to the sheriff principal against—
  - (a) the determination by the sheriff under section 166(6) of which local authority is the relevant local authority for a child,
  - (b) the making of an order by the sheriff under section 166(8)(b).
- (2) A person mentioned in subsection (3) may appeal by stated case to the sheriff principal against the determination by the sheriff under section 166(6) of which local authority is the relevant local authority for a child.
- (3) The persons are—
  - (a) the child to whom the determination relates,
  - (b) a person representing that child,
  - (c) a relevant person in relation to that child,
  - (d) a person representing that person.
- (4) An appeal under this section must be made before the expiry of the period of 28 days beginning with the day on which the determination or, as the case may be, order was made.
- (5) An appeal under this section may be made—
  - (a) on a point of law, or
  - (b) in respect of any procedural irregularity.
- (6) On determining an appeal under this section, the sheriff principal must remit the case to the sheriff for disposal in accordance with such directions as the court may give.
- (7) A determination of an appeal under this section is final.