

*Status: Point in time view as at 26/01/2015.*

**Changes to legislation:** Children and Young People (Scotland) Act 2014, Paragraph 12 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULE 5 MODIFICATION OF ENACTMENTS

### *Children's Hearings (Scotland) Act 2011*

- 12 (1) The Children's Hearings (Scotland) Act 2011 is amended as follows.
- (2) In section 80(1), after “(2)” insert “ or (5A) ”.
- (3) In section 81—
- (a) in subsection (2), after “must” insert “ , unless that other matter is a matter mentioned in section 79(5A)(a), ”,
  - (b) in subsection (5)(b), after sub-paragraph (iv) insert—  
“(iva) section 81A,”.
- (4) In section 94(3), for the second “of” substitute “ given in compliance with section 90(1) in relation to ”.
- (5) In section 105, after subsection (1) insert—
- “(1A) The reference in subsection (1)(b) to the ground being accepted is, in relation to a ground which was not accepted by virtue of section 90(1B), a reference to all of the supporting facts in relation to the ground being accepted.”.
- (6) In section 106, after subsection (1) insert—
- “(1A) The reference in subsection (1)(b) to the ground being accepted is, in relation to a ground which was not accepted by virtue of section 90(1B), a reference to all of the supporting facts in relation to the ground being accepted.”.
- (7) In section 142, after subsection (1) insert—
- “(1A) But this section does not apply where the matter of whether the individual should continue to be deemed to be a relevant person in relation to the child—
- (a) has been determined by a meeting of a pre-hearing panel held in relation to the children's hearing, or
  - (b) is, by virtue of section 80(3), to be determined by the children's hearing.”.
- (8) In section 160, for subsection (1)(a) substitute—
- “(a) a determination of a pre-hearing panel or a 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,”.
- (9) In section 202(1), after the definition of “super-affirmative procedure” insert—
- ““supporting facts” has the meaning given by section 90(1D),”.
- (10) In schedule 6, in the entry for the 1995 Act—
- (a) at the end of the reference to sections 39 to 74 insert “ , except section 44 ”,
  - (b) in the reference to section 105, omit “44,”.

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**Commencement Information**

**II** Sch. 5 para. 12(1)-(9) in force at 26.1.2015 by S.S.I. 2014/353, art. 2(2)(3), **Sch.**

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