

CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8 – Pre-Hearing Panel

Section 81 – Determination of claim that person be deemed a relevant person

114. This section relates to when a Pre-Hearing Panel (or Children's Hearing) is considering the claim of a person to be a relevant person in relation to the child (a "relevant person claim"). It provides for this issue to be dealt with before any other matter. Only if the Pre-Hearing Panel or hearing determines that the person is a relevant person, can the person then take part in the discussions on any other issue referred. Subsection (3) provides that the Pre-Hearing Panel or hearing must deem the person to be a relevant person if they consider that the person has (or has recently had) a significant involvement in the upbringing of the child. Subsection (4) provides for the consequences of that determination by the Pre-Hearing Panel or hearing and provides that the status will be accorded for the purposes of Parts 7 to 15, 17 and 18 of the Act in so far as they relate to the Children's Hearing, any subsequent Children's Hearing under Part 11, any subsequent Pre-Hearing Panel which may be held prior to the full hearing, any compulsory supervision order or other order or warrant made by the hearing or the sheriff, any review hearing or any court proceedings (application to establish grounds or appeal) and the implementation of the order.
115. Subsection (5) provides for the Scottish Ministers to change the criteria for "deemed relevant person" status and to make any necessary or expedient consequential amendments to those provisions of the Act specified in subsection (5). Such an order will be subject to affirmative procedure.