



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 15

APPEALS

Appeals to sheriff principal and Court of Session

164 Appeals to sheriff principal and Court of Session: relevant persons

- (1) A person mentioned in subsection (3) may appeal by stated case to the sheriff principal or the Court of Session against a decision of the sheriff in an appeal against ^[F1]—
- (a) a decision of the sheriff in an appeal against a determination of a pre-hearing panel or 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,
 - (b) a decision of the sheriff in an appeal against a determination of a review under section 142(2) that an individual is to continue to be deemed, or is no longer to be deemed, a relevant person in relation to a child.]
- (2) A person mentioned in subsection (3) may, with leave of the sheriff principal, appeal by stated case to the Court of Session against the sheriff principal's decision in an appeal under subsection (1).
- (3) 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.
 - ^[F2](e) the Principal Reporter.]
- ^[F3](3A) Despite subsection (1), the Principal Reporter may not appeal against a decision by the sheriff confirming a determination of a children's hearing.]
- (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 decision appealed against is made.

Changes to legislation: Children's Hearings (Scotland) Act 2011, Section 164 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

- (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 deciding an appeal under subsection (1), the sheriff principal or the Court of Session must remit the case to the sheriff for disposal in accordance with such directions as the court may give.
- (7) A decision in an appeal under subsection (1) or (2) by the Court of Session is final.

Textual Amendments

- F1** S. 164(1)(a)(b) substituted for words in s. 164(1) (26.7.2021) by Children (Scotland) Act 2020 (asp 16), **ss. 26(3)(a)**, 34(2); S.S.I. 2020/412, reg. 2(2)(d)
- F2** S. 164(3)(e) inserted (26.7.2021) by Children (Scotland) Act 2020 (asp 16), **ss. 26(3)(b)**, 34(2); S.S.I. 2020/412, reg. 2(2)(d)
- F3** S. 164(3A) inserted (26.7.2021) by Children (Scotland) Act 2020 (asp 16), **ss. 26(3)(c)**, 34(2); S.S.I. 2020/412, reg. 2(2)(d)
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Commencement Information

- I1** S. 164 in force at 24.6.2013 by S.S.I. 2013/195, **arts. 2, 3**

Changes to legislation:

Children's Hearings (Scotland) Act 2011, Section 164 is up to date with all changes known to be in force on or before 21 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.

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Changes and effects yet to be applied to :

- s. 164 title substituted by [2020 asp 16 s. 27\(4\)\(e\)](#)
- s. 164(1) words substituted by [2020 asp 16 s. 27\(4\)\(a\)](#)
- s. 164(6) words substituted by [2020 asp 16 s. 27\(4\)\(c\)](#)
- s. 164(7) words repealed by [2020 asp 16 s. 27\(4\)\(d\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 7A inserted by [2024 asp 5 s. 2\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 57A57B and cross-heading inserted by [2024 asp 5 s. 3\(7\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 83(2)(ca)(cb) inserted by [2024 asp 5 s. 5\(2\)\(a\)](#)
- s. 83(2A) inserted by [2024 asp 5 s. 4\(2\)\(b\)](#)
- s. 83(4A) inserted by [2024 asp 5 s. 6\(2\)\(b\)](#)
- s. 138(6)(aa) inserted by [2024 asp 5 s. 11\(2\)\(a\)\(ii\)](#)
- s. 138(7A) inserted by [2024 asp 5 s. 11\(2\)\(b\)](#)
- s. 144(6) amendment to earlier affecting provision S.S.I. 2022/225, reg. 13(4) by [2024 asp 5 Sch. para. 27\(2\)\(b\)](#)
- s. 150(2)(ca)(cb) inserted by [2024 asp 5 s. 6\(3\)\(c\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)
- s. 177(2)(ha) inserted by [2024 asp 5 s. 2\(3\)](#)
- s. 179A(5A)(5B) inserted by [2024 asp 5 s. 8\(2\)\(b\)](#)
- s. 179B(3)-(6) inserted by [2024 asp 5 s. 8\(3\)\(c\)](#)
- s. 179C(4) inserted by [2024 asp 5 s. 8\(4\)\(b\)](#)
- s. 179D inserted by [2024 asp 5 s. 9\(2\)](#)