

# **CHILDREN'S HEARINGS (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 12 – Children's Hearings: General**

##### **Contact orders and permanence orders**

##### ***Section 126 – Review of contact direction***

184. This section provides individuals who are not relevant persons, but who have a right of contact with the child by virtue of a contact order or a permanence order, or otherwise meet conditions specified by order by the Scottish Ministers, certain rights of participation when the Children's Hearing makes a contact direction. This section applies where the Children's Hearing makes a contact direction within a compulsory supervision order, an interim compulsory supervision order, an interim variation of a compulsory supervision order or a medical examination order which lasts more than 5 days or continues or varies a compulsory supervision order under section 138.
185. Subsection (2) provides the Scottish Ministers with the power to extend the categories of those who may be affected by a contact direction, and who could have that contact direction reviewed, by an order. That order would be subject to negative procedure. Subsection (2) also allows those who consider they meet the conditions specified in the order to seek a hearing to review that contact direction.
186. Subsection (5) provides for the hearing to take no further action if it considers the conditions specified for the purpose of subsection (2)(b) are not satisfied in relation to the individual. Subsection (6) provides that where the Children's Hearing considers the conditions for reviewing a contact order are met, it may either confirm the decision of the original hearing or vary the contact direction by varying the compulsory supervision order, interim compulsory supervision order or medical examination order. No other element of the underlying order may be varied at this hearing. Subsection (7) provides that the child and relevant person are not under a duty to attend the contact direction review hearing.