



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 15

#### APPEALS

##### *Appeal against decision of children's hearing*

#### **156 Determination of appeal**

- (1) If satisfied that the decision to which an appeal under section 154 relates is justified, the sheriff—
  - (a) must confirm the decision, and
  - (b) may take one or more of the steps mentioned in subsection (3) if satisfied that the circumstances of the child in relation to whom the decision was made have changed since the decision was made.
- (2) In any other case, the sheriff—
  - (a) must—
    - (i) where the decision is a decision to grant a warrant to secure attendance, recall the warrant,
    - (ii) where the decision is a decision to make an interim compulsory supervision order or a medical examination order, terminate the order,
  - (b) may take one or more of the steps mentioned in subsection (3).
- (3) Those steps are—
  - (a) require the Principal Reporter to arrange a children's hearing for any purpose for which a hearing can be arranged under this Act,
  - (b) continue, vary or terminate any order, interim variation or warrant which is in effect,
  - (c) discharge the child from any further hearing or other proceedings in relation to the grounds that gave rise to the decision,
  - (d) make an interim compulsory supervision order or interim variation of a compulsory supervision order, or
  - (e) grant a warrant to secure attendance.

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*Status: This is the original version (as it was originally enacted).*

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- (4) If the sheriff discharges a child under subsection (3)(c), the sheriff must also terminate any order or warrant which is in effect in relation to the child.
- (5) The fact that a sheriff makes, continues or varies an order, or grants a warrant, under subsection (1)(b) or (2)(b) does not prevent a children's hearing from continuing, varying or terminating the order or warrant.