



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 15 **S**

#### APPEALS

##### *Appeals to sheriff principal and Court of Session*

#### **165 Appeals to sheriff principal and Court of Session: contact and permanence orders **S****

- (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 under section 161.
- (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 person is an individual (other than a relevant person in relation to the child) in relation to whom—
  - (a) a contact order is in force regulating contact between the individual and the child,
  - (b) a permanence order is in force which specifies arrangements for contact between the individual and the child, or
  - (c) the conditions specified for the purposes of section 126(2)(b) are satisfied.
- (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 was made.
- (5) An appeal under this section may be made—
  - (a) on a point of law,
  - (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.

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**Changes to legislation:** Children's Hearings (Scotland) Act 2011, Section 165 is up to date with all changes known to be in force on or before 18 May 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](#)

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#### Commencement Information

**II** S. 165 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 165 is up to date with all changes known to be in force on or before 18 May 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. 165 title substituted by [2020 asp 16 s. 27\(5\)\(e\)](#)
- s. 165(1) words substituted by [2020 asp 16 s. 27\(5\)\(a\)](#)
- s. 165(6) words substituted by [2020 asp 16 s. 27\(5\)\(c\)](#)
- s. 165(7) words repealed by [2020 asp 16 s. 27\(5\)\(d\)](#)

**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. 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. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- 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\(5\)\(b\)](#)