



# Children (Scotland) Act 2020

## 2020 asp 16

### *Children's hearings*

PROSPECTIVE

#### **27 Appeals to Sheriff Appeal Court and Court of Session**

- (1) The Children's Hearings (Scotland) Act 2011 is modified as follows.
- (2) The italic heading preceding section 163 becomes “*Appeals to Sheriff Appeal Court and Court of Session*”.
- (3) In section 163 (appeals to sheriff principal and Court of Session: children's hearings etc.)—
  - (a) in subsection (1), for “sheriff principal or the Court of Session” substitute “Sheriff Appeal Court”,
  - (b) for subsection (2) substitute—
    - “(2) A person mentioned in subsection (3) may appeal to the Court of Session against a Sheriff Appeal Court's decision in an appeal under subsection (1) only—
      - (a) with the permission of the Sheriff Appeal Court, or
      - (b) if that Court has refused permission, with the permission of the Court of Session.
  - (2A) The Sheriff Appeal Court or the Court of Session may grant permission under subsection (2) only if the Court considers that—
    - (a) the appeal would raise an important point of principle or practice, or
    - (b) there is some other compelling reason for the Court of Session to hear the appeal.
  - (2B) The Sheriff Appeal Court's decision in an appeal under subsection (1) may not be appealed against under section 113 of the Courts Reform (Scotland) Act 2014.”,
  - (c) in subsection (4)(b), for “sheriff principal's” substitute “Sheriff Appeal Court's”,

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Children (Scotland) Act 2020, Section 27. (See end of Document for details)*

- (d) in subsection (6)(b), for “sheriff principal’s” substitute “Sheriff Appeal Court’s”,
  - (e) in subsection (10), for “sheriff principal or the Court of Session” substitute “Sheriff Appeal Court ”,
  - (f) in subsection (11) the words “(1) or” are repealed,
  - (g) the section’s title becomes “ **Appeals to Sheriff Appeal Court and Court of Session: children’s hearings etc.** ”.
- (4) In section 164 (appeals to sheriff principal and Court of Session: relevant persons)—
- (a) in subsection (1), for “sheriff principal or the Court of Session” substitute “Sheriff Appeal Court ”,
  - (b) for subsection (2) substitute—
    - “(2) A person mentioned in subsection (3) may appeal to the Court of Session against a Sheriff Appeal Court’s decision in an appeal under subsection (1) only—
    - (a) with the permission of the Sheriff Appeal Court, or
    - (b) if that Court has refused permission, with the permission of the Court of Session.
  - (2A) The Sheriff Appeal Court or the Court of Session may grant permission under subsection (2) only if the Court considers that—
    - (a) the appeal would raise an important point of principle or practice, or
    - (b) there is some other compelling reason for the Court of Session to hear the appeal.
  - (2B) The Sheriff Appeal Court’s decision in an appeal under subsection (1) may not be appealed against under section 113 of the Courts Reform (Scotland) Act 2014.”,
  - (c) in subsection (6), for “sheriff principal or the Court of Session” substitute “Sheriff Appeal Court ”,
  - (d) in subsection (7), the words “(1) or” are repealed,
  - (e) the section’s title becomes “ **Appeals to Sheriff Appeal Court and Court of Session: relevant persons** ”.
- (5) In section 165 (appeals to sheriff principal and Court of Session: contact and permanence orders)—
- (a) in subsection (1), for “sheriff principal or the Court of Session” substitute “Sheriff Appeal Court ”,
  - (b) for subsection (2) substitute—
    - “(2) A person mentioned in subsection (3) may appeal to the Court of Session against a Sheriff Appeal Court’s decision in an appeal under subsection (1) only—
    - (a) with the permission of the Sheriff Appeal Court, or
    - (b) if that Court has refused permission, with the permission of the Court of Session.
  - (2A) The Sheriff Appeal Court or the Court of Session may grant permission under subsection (2) only if the Court considers that—

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- (a) the appeal would raise an important point of principle or practice, or
- (b) there is some other compelling reason for the Court of Session to hear the appeal.

(2B) The Sheriff Appeal Court's decision in an appeal under subsection (1) may not be appealed against under section 113 of the Courts Reform (Scotland) Act 2014.”,

- (c) in subsection (6), for “sheriff principal or the Court of Session” substitute “ Sheriff Appeal Court ”,
  - (d) in subsection (7), the words “(1) or” are repealed,
  - (e) the section's title becomes “ **Appeals to Sheriff Appeal Court and Court of Session: contact and permanence orders** ”.
- (6) In section 167 (appeals to sheriff principal: section 166)—
- (a) in subsection (1), for “sheriff principal” substitute “ Sheriff Appeal Court ”,
  - (b) in subsection (2), for “sheriff principal” substitute “ Sheriff Appeal Court ”,
  - (c) in subsection (6), for “sheriff principal” substitute “ Sheriff Appeal Court ”,
  - (d) the section's title becomes “ **Appeals to Sheriff Appeal Court: section 166** ”.
- (7) In section 182 (publishing restrictions), in subsection (9), in paragraph (a)(iv) of the definition of “protected information”, for “sheriff principal” substitute “ Sheriff Appeal Court ”.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Children (Scotland) Act 2020, Section 27.