

# CHILDREN'S HEARINGS (SCOTLAND) ACT 2011

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

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

##### **Child's age**

##### ***Section 124 – Requirement to establish child's age***

182. This section relates to determining the child's age. Subsection (2) places a duty on the chairing member to ask the person who is the subject of the hearing to declare their age. A Children's Hearing only has jurisdiction over children within the meaning of section 199 of this Act. If the person is found not to be a child, within that meaning, the hearing may not continue with proceedings. Subsections (3) and (5) provide for the person to make further declarations about their age at any other time during the proceedings, and for the Children's Hearing to make a fresh determination of the person's age at any stage in the proceedings. Subsection (4) makes clear that the chairing member of the hearing need not ask a child their age when it would be inappropriate to ask that question based on the age and maturity of the child. Subsection (6) makes clear that the person's age is worked out either on the basis of their latest declaration or by determination by the Children's Hearing. Subsection (7) provides that any decision, warrant or order made by the hearing is not challengeable on the basis that the age determined by the hearing is not the person's true age.