



Children's Hearings (Scotland) Act 2011

2011 asp 1

PART 12

CHILDREN'S HEARINGS: GENERAL

Child's age

124 Requirement to establish child's age

- (1) This section applies where a children's hearing is held by virtue of this Act.
- (2) The chairing member of the children's hearing must ask the person in respect of whom the hearing has been arranged to declare the person's age.
- (3) The person may make another declaration as to the person's age at any time.
- (4) The chairing member need not comply with the requirement in subsection (2) if the chairing member considers that the person would not be capable of understanding the question.
- (5) Any children's hearing may make a determination of the age of a person who is the subject of the hearing.
- (6) A person is taken for the purposes of this Act to be of the age—
 - (a) worked out on the basis of the person's most recent declaration, or
 - (b) if a determination of age by a children's hearing is in effect, worked out in accordance with that determination.
- (7) Nothing done by a children's hearing in relation to a person is invalidated if it is subsequently proved that the age of the person is not that worked out under subsection (6).

Commencement Information

II S. 124 in force at 24.6.2013 by [S.S.I. 2013/195](#), [arts. 2, 3](#)

Changes to legislation:

Children's Hearings (Scotland) Act 2011, Cross Heading: Child's age is up to date with all changes known to be in force on or before 26 May 2023. 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.

[View outstanding changes](#)

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\(5\)\(b\)](#)