



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 12 **S**

#### CHILDREN'S HEARINGS: GENERAL

##### *Child's age*

#### 124 Requirement to establish child's age **S**

- (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 29 December 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\(5\)\(b\)](#)