



# Commissioner for Children and Young People (Scotland) Act 2003

2003 asp 17

## *Functions*

### **7 Carrying out investigations**

- [<sup>F1</sup>(1) The Commissioner may carry out an investigation into—
- (a) whether, by what means and to what extent a service provider has regard to the rights, interests and views of children and young people in making decisions or taking actions that affect those children and young people (such an investigation being called a “general investigation”);
  - (b) whether, by what means and to what extent a service provider had regard to the rights, interests and views of a child or young person in making a decision or taking an action that affected that child or young person (such an investigation being called an “individual investigation”).
- (2) The Commissioner may carry out a general investigation only if the Commissioner, having considered the available evidence on, and any information received about, the matter, is satisfied on reasonable grounds that the matter to be investigated raises an issue of particular significance to—
- (a) children and young people generally; or
  - (b) particular groups of children and young people.
- (2A) The Commissioner may carry out an investigation only if the Commissioner, having considered the available evidence on, and any information received about, the matter, is satisfied on reasonable grounds that the investigation would not duplicate work that is properly the function of another person.]
- (3) The Commissioner may not carry out an investigation—
- (a) if it would relate to a reserved matter;
  - <sup>F2</sup>(b) .....
  - (c) so far as it would relate to—
    - (i) the making of decisions or taking of action in particular legal proceedings before a court or tribunal; or

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**Changes to legislation:** Commissioner for Children and Young People (Scotland) Act 2003, Section 7 is up to date with all changes known to be in force on or before 09 March 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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(ii) a matter which is the subject of legal proceedings before a court or tribunal.

[<sup>F3</sup>(4) Subsection (5) applies in relation to a matter about which the Commissioner may carry out an individual investigation.

(5) Where the Commissioner considers that the matter may be capable of being resolved without an investigation, the Commissioner may with a view to securing that outcome take such steps as the Commissioner considers appropriate.]

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#### Textual Amendments

- F1** S. 7(1)-(2A) substituted for s. 7(1)(2) (7.8.2017) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 5(2)(a)**, 102(3); S.S.I. 2016/254, art. 3(4) (with art. 4)
- F2** S. 7(3)(b) omitted (7.8.2017) by virtue of Children and Young People (Scotland) Act 2014 (asp 8), **ss. 5(2)(b)**, 102(3); S.S.I. 2016/254, art. 3(4) (with art. 4)
- F3** S. 7(4)(5) added (7.8.2017) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 5(2)(c)**, 102(3); S.S.I. 2016/254, art. 3(4) (with art. 4)

**Changes to legislation:**

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**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):

- s. 4(2A) inserted by [2024 asp 1 s. 11\(2\)](#)