



# Children's Hearings (Scotland) Act 2011

## 2011 asp 1

### PART 18

#### MISCELLANEOUS

##### *Consent of child to medical examination or treatment*

#### **186 Consent of child to medical examination or treatment**

- (1) Nothing in this Act prejudices any capacity of a child enjoyed by virtue of section 2(4) of the Age of Legal Capacity (Scotland) Act 1991 (c.50) (capacity of child with sufficient understanding to consent to surgical, medical or dental procedure or treatment).
- (2) In particular, where—
  - (a) under an order mentioned in subsection (3) any examination or treatment is arranged for the child, and
  - (b) the child has the capacity mentioned in section 2(4) of the Age of Legal Capacity (Scotland) Act 1991,the examination or treatment may be carried out only if the child consents to it.
- (3) Those orders are—
  - (a) a child assessment order,
  - (b) a child protection order,
  - (c) a compulsory supervision order,
  - (d) an interim compulsory supervision order,
  - (e) a medical examination order.

#### **Commencement Information**

**II** S. 186 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: Consent of child to medical examination or treatment is up to date with all changes known to be in force on or before 25 April 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\(5\)\(b\)](#)