



Children (Scotland) Act 2020

2020 asp 16

Further provision about orders under section 11(1) of the Children (Scotland) Act 1995

PROSPECTIVE

20 Explanation of decisions to the child

- (1) The Children (Scotland) Act 1995 is modified as follows.
- (2) After section 11E (which is inserted by section 18(2) of this Act) insert—

“11F Explanation of court decisions to the child

- (1) This section applies when—
 - (a) the court decides whether or not to make an order under section 11(1),
 - (b) the court decides to vary or discharge an order made under section 11(1),
 - (c) the court—
 - (i) decides to decline to vary or discharge an order made under section 11(1), and
 - (ii) considers it appropriate to explain that decision to the child concerned.
- (2) The court must ensure that the decision is explained to the child concerned in a way that the child can understand.
- (3) But the court is not required to comply with subsection (2) if satisfied that—
 - (a) the child would not be capable of understanding an explanation however given,
 - (b) it is not in the best interests of the child to give an explanation, or
 - (c) the location of the child is not known.
- (4) The court may fulfil its duty under subsection (2) by—
 - (a) giving the explanation to the child itself, or
 - (b) arranging for it to be given by a child welfare reporter (see section 101A).

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Children (Scotland) Act 2020, Section 20. (See end of Document for details)

- (5) In this section, references to a decision include an interim decision.
- (6) The Scottish Ministers may by regulations modify subsection (4)(b) to—
 - (a) add a description of a person,
 - (b) vary a description of a person,
 - (c) remove a description of a person.
- (7) Regulations under subsection (6) are subject to the affirmative procedure.”.

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Children (Scotland) Act 2020, Section 20.