



Children (Scotland) Act 2020

2020 asp 16

Final provisions

31 Review of children’s ability to participate

- (1) The Scottish Ministers must review the ability of children to effectively participate in the making of decisions in relation to which one of the following enactments requires that the child be given an opportunity to express a view and that regard be had to any view expressed—
 - (a) sections 11ZB(1), 11E(3), 11G(2)(b) and 16(2) of the Children (Scotland) Act 1995,
 - (b) sections 14(4A) and 84(5) of the Adoption and Children (Scotland) Act 2007,
 - (c) section 27(3) of the Children’s Hearings (Scotland) Act 2011.
- (2) The review must, in particular, consider the resources required to ensure effective participation by children in the making of the decisions.
- (3) The review must be completed no later than 5 years after the date of Royal Assent.
- (4) As soon as practicable after completing the review, the Scottish Ministers must—
 - (a) make a report of the review publicly available, and
 - (b) lay a copy of the report before the Scottish Parliament.
- (5) The report must set out—
 - (a) the steps, if any, that the Scottish Ministers propose to take in light of the review,
 - (b) a proposed timetable for taking the steps, and
 - (c) if any of the steps are not to be taken in the parliamentary session during which the copy of the report is laid before the Parliament, an explanation of why the Ministers do not propose to take those steps before that session ends.
- (6) In subsection (5)(c), “parliamentary session” has the meaning given in section 19(1) of the Interests of Members of the Scottish Parliament Act 2006.