

Status: This version of this provision is prospective.

Changes to legislation: Children (Care and Justice) (Scotland) Act 2024, Section 2 is up to date with all changes known to be in force on or before 26 July 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



Children (Care and Justice) (Scotland) Act 2024

2024 asp 5

PART 1

CHILDREN'S HEARINGS SYSTEM

PROSPECTIVE

2 Children's hearing: duty to have due regard to effects of trauma on child

(1) The 2011 Act is amended as follows.

(2) After section 7 insert—

“7A Children's hearing: duty to have due regard to effects of trauma on child

- (1) This section applies where a children's hearing is held for the purpose of carrying out functions conferred on a children's hearing by virtue of this Act or any other enactment.
- (2) The children's hearing must, in carrying out its functions, have due regard to the need to treat the child to whom the hearing relates in a way that—
 - (a) takes account of the effects of trauma which the child may have experienced, and
 - (b) seeks to avoid, or minimise the risk of, exposing the child to—
 - (i) any recurrence of past trauma, or
 - (ii) further trauma.
- (3) The National Convener must, so far as practicable, ensure that the children's hearing, in carrying out its functions, has due regard to that need.
- (4) In this section—
 - (a) “children's hearing” includes a pre-hearing panel,

Status: This version of this provision is prospective.

Changes to legislation: Children (Care and Justice) (Scotland) Act 2024, Section 2 is up to date with all changes known to be in force on or before 26 July 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

- (b) in subsection (2), in so far as it applies to a pre-hearing panel, the reference to the child to whom the hearing relates is to be read as a reference to the child in relation to whom a children’s hearing is to be held.”.
- (3) In section 177 (children’s hearings: procedural rules), in subsection (2), after paragraph (h) insert—
 - “(ha) treating the child to whom a children’s hearing relates in a way that—
 - (i) takes account of the effects of trauma which the child may have experienced, and
 - (ii) seeks to avoid, or minimise the risk of, exposing the child to any recurrence of past trauma or to further trauma,”.
- (4) In schedule 2 (the Children’s Panel), in paragraph 3(3), after “may” insert “—
 - (a) treat the child to whom a children’s hearing relates in a way that—
 - (i) takes account of the effects of trauma which the child may have experienced, and
 - (ii) seeks to avoid, or minimise the risk of, exposing the child to any recurrence of past trauma or to further trauma, and
 - (b)”.

Commencement Information

II S. 2 not in force at Royal Assent, see [s. 38\(3\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

Children (Care and Justice) (Scotland) Act 2024, Section 2 is up to date with all changes known to be in force on or before 26 July 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act power to modify conferred by 1995 c. 36, s. 33A (as inserted) by [2024 asp 5 s. 30\(2\)](#)
- Act power to modify conferred by 2010 asp 8, s. 190(2A) (as substituted) by [2024 asp 5 s. 29\(2\)\(b\)](#)