



# 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).

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*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)*

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- (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.