

Status: This version of this provision is prospective.

Changes to legislation: United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, Section 9 is up to date with all changes known to be in force on or before 05 May 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



United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 2024 asp 1

PART 2

DUTIES ON PUBLIC AUTHORITIES

Remedies for unlawful acts

PROSPECTIVE

9 Child's view on effectiveness of reliefs etc.

- (1) Where a court or tribunal is considering what relief or remedy to grant or what order to make under section 8(1)—
 - (a) it must, in so far as it is practicable to do so, give the child to whom the proceedings relate an opportunity to express the child's views about the effectiveness of that relief, remedy or (as the case may be) order in—
 - (i) the manner that the child prefers, or
 - (ii) a manner that is suitable to the child if the child has not indicated a preference or it would not be reasonable in the circumstances to accommodate the child's preference, and
 - (b) it must have regard to any views expressed by the child, taking into account the child's age and maturity.
- (2) But the court or tribunal is not required to comply with subsection (1) if it is satisfied that the child is not capable of forming a view.
- (3) The child is to be presumed to be capable of forming a view unless the contrary is shown.

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Commencement Information

- II** S. 9 comes into force in accordance with s. 47(2)

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Changes and effects yet to be applied to :

- s. 9 coming into force by [2024 asp 1 s. 47\(2\)](#)