



# Children (Scotland) Act 2020

## 2020 asp 16

*Final provisions*

PROSPECTIVE

### **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.

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*Status:* This version of this cross heading contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects for the Children (Scotland) Act 2020, Cross Heading: Final provisions. (See end of Document for details)

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### **32 Power to replace descriptions with actual dates**

- (1) The Scottish Ministers may by regulations amend—
  - (a) section 11B(2) of the Children (Scotland) Act 1995 (“the 1995 Act”), and
  - (b) section 11D(3) of the 1995 Act,so that, instead of referring to the day on which the relevant amending section comes into force, they specify the date on which the relevant amending section actually came into force.
- (2) The relevant amending section—
  - (a) in relation to section 11B(2) of the 1995 Act is section 8 of this Act,
  - (b) in relation to section 11D(3) of the 1995 Act is section 17 of this Act.

### **33 Ancillary provision**

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, or in connection with, or for giving full effect to this Act or any provision made under it.
- (2) Regulations under this section may—
  - (a) make different provision for different purposes,
  - (b) modify any enactment (including this Act).
- (3) Regulations under this section—
  - (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act, but
  - (b) otherwise are subject to the negative procedure.

### **34 Commencement**

- (1) The following provisions come into force on the day after Royal Assent: this section and sections 32, 33 and 35.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under this section—
  - (a) may make different provision for different purposes,
  - (b) may include transitional, transitory or saving provision.

### **35 Short title**

The short title of this Act is the Children (Scotland) Act 2020.

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**Changes to legislation:**

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