



Children (Scotland) Act 2020

2020 asp 16

Regard to be had to child's views

PROSPECTIVE

2 Proceedings under Adoption and Children (Scotland) Act 2007

(1) The Adoption and Children (Scotland) Act 2007 is modified as follows.

(2) In section 14 (considerations applying to the exercise of powers)—

- (a) in subsection (1), for “(4)” substitute “ (4C) ”,
- (b) subsection (4)(b) is repealed,
- (c) after subsection (4) insert—

“(4A) The court or adoption agency must—

- (a) give the child an opportunity to express the child's views 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) have regard to any views expressed by the child, taking into account the child's age and maturity.

(4B) But the court or adoption agency is not required to comply with subsection (4A) if satisfied that the child is not capable of forming a view.

(4C) The child is to be presumed to be capable of forming a view unless the contrary is shown.”,

- (d) in subsection (6), for “(4)” substitute “ (4C) ”,
- (e) subsection (8) is repealed.

(3) In section 84 (conditions and considerations application to making of order)—

- (a) for subsection (5)(a) substitute—

“(a) give the child an opportunity to express the child's views in—

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 2. (See end of Document for details)

- (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,”
- (b) for subsection (5)(b)(i) substitute—
 - “(i) any views expressed by the child, taking into account the child's age and maturity,”
- (c) after subsection (5) insert—
 - “(5A) But the court is not required to comply with subsection (5)(a) if satisfied that the child is not capable of forming a view.
 - (5B) The child is to be presumed to be capable of forming a view unless the contrary is shown.”
- (d) subsection (6) is repealed.

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 2.