



# Children (Scotland) Act 2020

## 2020 asp 16

### *Miscellaneous provisions*

PROSPECTIVE

#### **30 Delay in proceedings likely to prejudice child's welfare**

- (1) The Children (Scotland) Act 1995 is modified by subsections (2) and (3).
- (2) In section 11ZA (paramourty of child's welfare, and the non-intervention presumption) (which is inserted by section 1(4) of this Act), after subsection (2) insert—

“(2A) When considering the child's welfare, the court is to have regard to any risk of prejudice to the child's welfare that delay in proceedings would pose.”.
- (3) In section 16 (welfare of child and consideration of his views), after subsection (1) insert—

“(1A) When considering the child's welfare, the court is to have regard to any risk of prejudice to the child's welfare that delay in proceedings would pose.”.
- (4) The Adoption and Children (Scotland) Act 2007 is modified by subsection (5).
- (5) In section 14 (considerations applying to the exercise of powers), after subsection (3) insert—

“(3A) When considering the child's welfare, the court is to have regard to any risk of prejudice to the child's welfare that delay in proceedings would pose.”.
- (6) The Children's Hearings (Scotland) Act 2011 is modified by subsection (7).
- (7) In section 25 (welfare of the child), after subsection (2) insert—

“(3) The children's hearing, pre-hearing panel or court is to have regard to any risk of prejudice to the child's welfare that delay in proceedings would pose.”.

**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 30.