



# Children (Scotland) Act 2020

## 2020 asp 16

*Regard to be had to child's views*

### **3 Proceedings under Children's Hearings (Scotland) Act 2011**

(1) The Children's Hearings (Scotland) Act 2011 is modified as follows.

(2) In section 27 (views of the child), for subsections (3) and (4) substitute—

“(3) The children's hearing, pre-hearing panel or the sheriff 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.

(4) But the children's hearing, pre-hearing panel or the sheriff is not required to comply with subsection (3) if satisfied that—

- (a) the child is not capable of forming a view, or
- (b) the location of the child is not known.

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