

Status: This version of this provision is prospective.

Changes to legislation: *Children (Care and Justice) (Scotland) Act 2024, Section 8 is up to date with all changes known to be in force on or before 18 June 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*



Children (Care and Justice) (Scotland) Act 2024

2024 asp 5

PART 1

CHILDREN'S HEARINGS SYSTEM

PROSPECTIVE

8 Provision of information to person affected by child's offence or behaviour

- (1) The 2011 Act is amended as follows.
- (2) In section 179A (request for information by person affected by child's offence or behaviour)—
 - (a) in subsection (5)—
 - (i) at the beginning insert “Subject to subsections (5A) and (5B),”
 - (ii) for “may” substitute “must, so far as reasonably practicable,”
 - (b) after that subsection insert—

“(5A) The Principal Reporter may, where a person mentioned in subsection (4)(a) or (b) is a child, inform any relevant person in relation to the child, as well as, or instead of, the child, of the relevant person’s right to request information under subsection (3).

(5B) The Principal Reporter need not inform a person mentioned in subsection (4)(a), (b) or (c) of the person’s right to request information under subsection (3)—

 - (a) if the person has indicated (whether to the Principal Reporter or otherwise) that they do not wish to exercise that right,
 - (b) if satisfied that doing so would be detrimental to the best interests of—
 - (i) the child mentioned in subsection (1),
 - (ii) where the person mentioned in subsection (4)(a) or (b) is a child, that child, or

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- (iii) any other child, or
- (c) if satisfied, having regard to the factors mentioned in section 179C(2), that it would be inappropriate in the circumstances of the case to do so.”.
- (3) In section 179B (information to which section 179A applies)—
 - (a) in subsection (1)—
 - (i) in paragraph (a)(i), for “subsection (2)(a)” substitute “subsection (2)”,
 - (ii) in paragraph (a)(ii), for “subsection (2)(b)” substitute “subsection (3) and the further information mentioned in subsection (4)”,
 - (iii) in paragraph (b), for “subsection (2)(b)” substitute “subsection (3) and the further information mentioned in subsection (4)”,
 - (b) for subsection (2) substitute—
 - “(2) The information referred to in subsection (1)(a)(i) is information as to—
 - (a) what determination the Principal Reporter made under section 66(2), and
 - (b) any other action taken by the Principal Reporter (under section 68(5) or otherwise).”,
 - (c) after subsection (2) insert—
 - “(3) The information referred to in subsection (1)(a)(ii) and (b) is—
 - (a) information as to whether a compulsory supervision order has been made in respect of the child or, as the case may be, whether a compulsory supervision order which is already in force in respect of the child has been terminated, varied or continued,
 - (b) where such an order has been made or, as the case may be, varied or continued, information as to—
 - (i) whether a measure has been included in the order which prohibits the child from approaching, communicating with, attempting to approach or communicate with or otherwise contacting the person who made the request or, where that person is a relevant person, the child in relation to whom that person is a relevant person,
 - (ii) whether a secure accommodation authorisation has been included in the order,
 - (c) information as to how the referral to the children’s hearing was otherwise discharged,
 - (d) other information necessary to assist safety planning by or in relation to the person who made the request or, where the person is a relevant person, the child in relation to whom that person is a relevant person.
 - (4) The further information referred to in subsection (1)(a)(ii) and (b) is—
 - (a) where a compulsory supervision order has been made in respect of the child, or such an order which is already in force in respect of the child has been varied or continued—

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- (i) information as to whether the order is subsequently varied or continued to include, vary or remove a measure such as is mentioned in subsection (3)(b)(i) or (ii),
 - (ii) information as to whether the order is subsequently terminated,
 - (b) where other changes relating to the child’s case occur, information necessary to assist safety planning by or in relation to the person who made the request or, where the person is a relevant person, the child in relation to whom that person is a relevant person.
- (5) In this section, “communicating with” has the meaning given by section 83(8).
- (6) In this section and in section 179C, references to a compulsory supervision order include references to an interim compulsory supervision order.”
- (4) In section 179C (decision by Principal Reporter following request under section 179A)
 -
 - (a) in subsection (1)(a), for “the child mentioned in section 179A(1) (or any other child),” substitute “—
 - “(i) the child mentioned in section 179A(1),
 - (ii) where a person mentioned in section 179A(4)(a) or (b) is a child, that child, or
 - (iii) any other child,”
 - (b) after subsection (3) insert—
 - “(4) But subsection (3) does not prohibit the Principal Reporter, when providing information that a compulsory supervision order includes a measure mentioned in section 179B(3)(b)(i), from providing information about the details of the measure in so far as they relate to the person who made the request or, where that person is a relevant person, the child in relation to whom that person is a relevant person.”.

Commencement Information

II S. 8 not in force at Royal Assent, see **s. 38(3)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act power to modify conferred by 1995 c. 36, s. 33A (as inserted) by [2024 asp 5 s. 30\(2\)](#)
- Act power to modify conferred by 2010 asp 8, s. 190(2A) (as substituted) by [2024 asp 5 s. 29\(2\)\(b\)](#)