



Children (Scotland) Act 2020

2020 asp 16

Further provision about orders under section 11(1) of the Children (Scotland) Act 1995

PROSPECTIVE

18 Duty to consider child's best interests when allowing access to information

- (1) The Children (Scotland) Act 1995 is modified as follows.
- (2) After section 11D (which is inserted by section 17(2) of this Act) insert—

“11E Duty to consider child's best interests when allowing access to information

- (1) Where the court—
 - (a) is considering making an order under section 11(1), and
 - (b) has to decide whether a person should have access to anything in which private information about a child is recorded,in making that decision it must comply with subsections (2) and (3) in relation to that child.
- (2) The court must regard the best interests of the child as a primary consideration.
- (3) The court 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 court 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.

Status: Point in time view as at 25/10/2021. This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Children (Scotland) Act 2020, Section 18. (See end of Document for details)

- (5) The child is to be presumed to be capable of forming a view unless the contrary is shown.
- (6) In this section, “private information” means information in which the child could have a reasonable expectation of privacy.”.

Status:

Point in time view as at 25/10/2021. This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Children (Scotland) Act 2020, Section 18.