



Family Law Act 1986

1986 CHAPTER 55

PART I

CHILD CUSTODY

CHAPTER III

JURISDICTION OF COURTS IN SCOTLAND

16 Tutor and curatory.

- (1) Subject to subsections (2) and (3) below, an application made after the commencement of this Part for an order relating to the tutory or curatory of a pupil or minor may be entertained by—
 - (a) the Court of Session if, on the date of the application, the pupil or minor is habitually resident in Scotland,
 - (b) the sheriff if, on the date of the application, the pupil or minor is habitually resident in the sheriffdom.
- (2) Subsection (1) above shall not apply to an application for the appointment or removal of a factor loco tutoris or of a curator bonis or any application made by such factor or curator.
- (3) Subsection (1) above is without prejudice to any other ground of jurisdiction on which the Court of Session or the sheriff may entertain an application mentioned therein.
- (4) Provision may be made by act of sederunt prescribing, in relation to orders relating to the tutory or curatory of a pupil or minor, what constitutes an application for the purposes of this Chapter.