

Draft Order laid before the Scottish Parliament under section 117(5)(b) of the Adoption and Children (Scotland) Act 2007 for approval by resolution of the Scottish Parliament. This draft Order replaces the one laid on 2nd November and is being issued free of charge to all known recipients of that draft Order.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

CHILDREN AND YOUNG PERSONS

**The Adoption and Children (Scotland) Act 2007 (Amendment of
the Children (Scotland) Act 1995) Order 2016**

Made - - - - *2016*

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by section 116 of the Adoption and Children (Scotland) Act 2007^(a) and all other powers enabling them to do so.

In accordance with section 117(5)(b) of that Act, a draft of this Order was laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Adoption and Children (Scotland) Act 2007 (Amendment of the Children (Scotland) Act 1995) Order 2016 and comes into force on the day after the day on which it is made.

Amendment of section 11 of the Children (Scotland) Act 1995

2. In section 11 of the Children (Scotland) Act 1995 (court orders relating to parental responsibilities, parental rights etc.)^(b)—

- (a) in subsection (3)(ab), the words “(other than a contact order)” are repealed; and

^(a) 2007 asp 4.

^(b) 1995 c.36. Section 11 was amended by the Family Law (Scotland) Act 2006 (asp 2), section 24, the Adoption and Children (Scotland) Act 2007 (asp 4), section 107 and schedule 2, paragraph 9(2), the Human Fertilisation and Embryology Act 2008 (c.22), Schedule 6, paragraph 52 and S.S.I. 2005/42.

(b) in subsection (6), for “subsection (4)” substitute “subsections (3)(aa) and (4)”.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 11(3)(ab) of the Children (Scotland) Act 1995 by repealing the words “(other than a contact order)”. This is to make it clear that a person whose parental responsibilities or rights were removed in relation to a child other than for the reasons mentioned in section 11(4) (adoption etc) can apply for a contact order as well as any other order under section 11(1).

Article 2(b) of the Order amends section 11(6) to ensure that the reference to “adoption order” in section 11(3)(aa) is interpreted in accordance with the definition in section 11(6).

No business and regulatory impact assessment has been prepared for this Order as no impact upon business, charities or voluntary bodies is foreseen.

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