



# Children (Scotland) Act 1995

## 1995 CHAPTER 36

### PART I

#### PARENTS, CHILDREN AND GUARDIANS

##### *Interpretation*

#### 15 Interpretation of Part I.

(1) In this Part of this Act—

“child” means, where the expression is not otherwise defined, a person under the age of eighteen years;

“contact order” has the meaning given by section 11(2)(d) of this Act;

“parent”, in relation to any person, means, subject to Part IV of the <sup>M1</sup>Adoption (Scotland) Act 1978 and sections 27 to 30 of the <sup>M2</sup>Human Fertilisation and Embryology Act 1990 [<sup>F1</sup>and Part 2 of the Human Fertilisation and Embryology Act 2008] and any regulations made under [<sup>F2</sup>section 55(1) of that Act of 2008][<sup>F3</sup>and Chapter 3 of Part 1 of the Adoption and Children (Scotland) Act 2007 (asp 4)], someone, of whatever age, who is that person’s genetic father or mother;

“parental responsibilities” has the meaning given by section 1(3) of this Act;

“parental rights” has the meaning given by section 2(4) of this Act;

“residence order” has the meaning given by section 11(2)(c) of this Act;

“specific issue order” has the meaning given by section 11(2)(e) of this Act; and

“transaction” has the meaning given by section 9 of the <sup>M3</sup>Age of Legal Capacity (Scotland) Act 1991 (except that, for the purposes of subsection (5) (b) below, paragraph (d) of the definition in question shall be disregarded).

(2) No provision in this Part of this Act shall affect any legal proceedings commenced, or any application made to a court, before that provision comes into effect; except that where, before section 11 of this Act comes into force, there has been final decree in a

*Status: Point in time view as at 28/09/2009.*

*Changes to legislation: Children (Scotland) Act 1995, Cross Heading: Interpretation is up to date with all changes known to be in force on or before 24 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)*

cause in which, as respects a child, an order for custody or access, or an order which is analogous to any such order as is mentioned in subsection (2) of that section, has been made, any application on or after the date on which the section does come into force for variation or recall of the order shall proceed as if the order had been made under that section.

- (3) In subsection (2) above, the reference to final decree is to a decree or interlocutor which, taken by itself or along with previous interlocutors, disposes of the whole subject matter of the cause.
- (4) Any reference in this Part of this Act to a person—
- (a) having parental rights or responsibilities;
  - (b) acting as a legal representative; or
  - (c) being appointed a guardian,
- is to a natural person only.
- (5) Any reference in this Part of this Act to a person acting as the legal representative of a child is a reference to that person, in the interests of the child—
- (a) administering any property belonging to the child; and
  - (b) acting in, or giving consent to, any transaction where the child is incapable of so acting or consenting on his own behalf.
- (6) Where a child has legal capacity to sue, or to defend, in any civil proceedings, he may nevertheless consent to be represented in those proceedings by any person who, had the child lacked that capacity, would have had the responsibility to act as his legal representative.

#### Textual Amendments

- F1** S. 15(1): words in the definition of "parent" inserted (6.4.2009 for certain purposes, otherwise 1.9.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 56, 68, [Sch. 6 para. 54\(a\)](#); S.I. 2009/479, [art. 6\(1\)\(e\)\(2\)](#) (as amended by S.I. 2009/2232, art. 3)
- F2** S. 15(1): words in the definition of "parent" substituted (6.4.2009 for certain purposes, otherwise 6.4.2010) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 56, 68, [Sch. 6 para. 54\(b\)](#); S.I. 2009/479, [art. 6\(1\)\(e\)](#) (as amended by S.I. 2009/2232, art. 3); S.I. 2010/987, [art. 2\(g\)](#)
- F3** S. 15(1), in the definition of "parent": words inserted (28.9.2009) after "30" [semble in the second place where "30" appeared when the amending Act was enacted] by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), ss. 120(1), 121(2), [Sch. 2 para. 9\(3\)](#); S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21)

#### Marginal Citations

- M1** 1978 c.28.  
**M2** 1990 c.37.  
**M3** 1991 c.50.

**Status:**

Point in time view as at 28/09/2009.

**Changes to legislation:**

Children (Scotland) Act 1995, Cross Heading: Interpretation is up to date with all changes known to be in force on or before 24 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.