



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 3

MISCELLANEOUS

Provisions applicable to adoption orders and permanence orders

108 Rules: appointment of curators ad litem and reporting officers

- (1) In the case of an application for a relevant order in relation to a child, rules of court must provide for the appointment, in such cases as are prescribed by the rules—
 - (a) of a person to act as curator *ad litem* of the child on the hearing of the application, with the duty of safeguarding the interests of the child in such manner as may be so prescribed,
 - (b) of a person to act as reporting officer for the purpose of witnessing agreements to adoption and performing such other duties as may be so prescribed.
- (2) Rules may in particular make provision—
 - (a) enabling the reporting officer to be appointed before the application is made,
 - (b) enabling the court to appoint the same person to be curator *ad litem* and reporting officer.
- (3) Rules may not make provision for—
 - (a) the appointment of a person who is employed by an adoption agency which has placed a child for adoption to act as curator *ad litem* or reporting officer for the purposes of an application for an adoption order in respect of the child,
 - (b) the appointment of a person who is employed by a local authority which is making (or has made) an application for a permanence order to act as curator *ad litem* or reporting officer for the purposes of the application.
- (4) A relevant order means—
 - (a) an adoption order,
 - (b) a permanence order, or

Changes to legislation: *Adoption and Children (Scotland) Act 2007, Section 108 is up to date with all changes known to be in force on or before 15 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*

(c) an order under section 59.

Modifications etc. (not altering text)

- C1** S. 108(1)(2) applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 4, **Sch. 3**

Commencement Information

- I1** S. 108 in force at 20.4.2009 for specified purposes by [S.S.I. 2009/147](#), art. 2, **Sch.**
- I2** S. 108 in force at 28.9.2009 in so far as not already in force by [S.S.I. 2009/267](#), **arts. 1(2)**, 2 (with **arts. 3-21**) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3A) inserted by [2020 asp 16 s. 30\(5\)](#)
- s. 14(4A)-(4C) inserted by [2020 asp 16 s. 2\(2\)\(c\)](#)
- s. 84(5A)(5B) inserted by [2020 asp 16 s. 2\(3\)\(c\)](#)