



# Children (Scotland) Act 1995

## 1995 CHAPTER 36

### PART I

#### PARENTS, CHILDREN AND GUARDIANS

##### *Court Orders*

#### **12 Restrictions on decrees for divorce, separation or annulment affecting children**

- (1) In any action for divorce, judicial separation or declarator of nullity of marriage, the court shall, where this section applies, consider (in the light of such information as is before the court as to the arrangements which have been, or are proposed to be, made for the upbringing of each child by virtue of which it applies) whether to exercise with respect to him the powers conferred by section 11 or 54 of this Act.
- (2) Where, in any case to which this section applies, the court is of the opinion that—
  - (a) the circumstances of the case require, or are likely to require, it to exercise any power under section 11 or 54 of this Act with respect to the child concerned;
  - (b) it is not in a position to exercise that power without giving further consideration to the case; and
  - (c) there are exceptional circumstances which make it desirable in the interests of that child that it should not grant decree in the action until it is in a position to exercise such a power,it shall postpone its decision on the granting of decree in the action until it is in such a position.
- (3) This section applies where a child of the family has not reached the age of sixteen years at the date when the question first arises as to whether the court should give such consideration as is mentioned in subsection (1) above.
- (4) In this section “child of the family”, in relation to the parties to a marriage, means—
  - (a) a child of both of them; or

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*Status: This is the original version (as it was originally enacted).*

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- (b) any other child, not being a child who is placed with them as foster parents by a local authority or voluntary organisation, who has been treated by both of them as a child of their family.