



Children (Scotland) Act 1995

1995 CHAPTER 36

PART I

PARENTS, CHILDREN AND GUARDIANS

Jurisdiction and choice of law

14 Jurisdiction and choice of law in relation to certain matters.

- (1) The Court of Session shall have jurisdiction to entertain an application for an order relating to the administration of a child's property if the child is habitually resident in, or the property is situated in, Scotland.
- (2) A sheriff shall have jurisdiction to entertain such an application if the child is habitually resident in, or the property is situated in, the sheriffdom.
- (3) Subject to subsection (4) below, any question arising under this Part of this Act—
 - (a) concerning—
 - (i) parental responsibilities or parental rights; or
 - (ii) the responsibilities or rights of a guardian,in relation to a child shall, in so far as it is not also a question such as is mentioned in paragraph (b) below, be determined by the law of the place of the child's habitual residence at the time when the question arises;
 - (b) concerning the immediate protection of a child shall be determined by the law of the place where the child is when the question arises; and
 - (c) as to whether a person is validly appointed or constituted guardian of a child shall be determined by the law of the place of the child's habitual residence on the date when the appointment was made (the date of death of the testator being taken to be the date of appointment where an appointment was made by will), or the event constituting the guardianship occurred.
- (4) Nothing in any provision of law in accordance with which, under subsection (3) above, a question which arises in relation to an application for, or the making of, an order

Changes to legislation: Children (Scotland) Act 1995, Section 14 is up to date with all changes known to be in force on or before 13 April 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

under subsection (1) of section 11 of this Act falls to be determined, shall affect the application of subsection (7) of that section.

^{F1}(5)

Textual Amendments

F1 S. 14(5) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family, Civil Partnership and Marriage (Same Sex Couples)) (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/104), reg. 1, **sch. 1 para. 3** (with reg. 6) (as amended by S.S.I. 2020/441, regs. 1(2)(a), 16); 2020 c. 1, Sch. 5 para. 1(1)

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Changes and effects yet to be applied to :

- s. 14(4) words substituted by 2020 asp 16 s. 1(5)

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

- Act applied (with modifications) by S.I. 2010/875 reg. 16Sch. 2 (This amendment not applied to legislation.gov.uk. These Regulations never came into effect, having been revoked before coming into force by S.I. 2010/1906, reg. 2)

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

- s. 3(3A)(ba) inserted by 2009 c. 24 Sch. 6 para. 25
- s. 4B inserted by 2020 asp 16 s. 28(2)
- s. 6(1A)-(1D) inserted by 2020 asp 16 s. 1(2)(b)
- s. 10(1A) inserted by 2024 asp 2 Sch. 1 para. 18(b)
- s. 11(14) inserted by 2020 asp 16 s. 10(2)(b)
- s. 11B11C inserted by 2020 asp 16 s. 8(2)
- s. 11B(2) power to amend conferred by 2020 asp 16 s. 32
- s. 11D inserted by 2020 asp 16 s. 17(2)
- s. 11D(3) power to amend conferred by 2020 asp 16 s. 32
- s. 11E inserted by 2020 asp 16 s. 18(2)
- s. 11F inserted by 2020 asp 16 s. 20(2)
- s. 11G inserted by 2020 asp 16 s. 22(2)
- s. 11ZA11ZB inserted by 2020 asp 16 s. 1(4)
- s. 11ZA(2A) inserted by 2020 asp 16 s. 30(2)
- s. 11ZA(3)(f) inserted by 2020 asp 16 s. 16(2)
- s. 16(1A) inserted by 2020 asp 16 s. 30(3)
- s. 16(2)-(2B) substituted for s. 16(2) by 2020 asp 16 s. 1(6)
- s. 100A inserted by 2020 asp 16 s. 21(2)
- s. 101D inserted by 2020 asp 16 s. 11(2)
- s. 101E inserted by 2020 asp 16 s. 12(2)