



# Children (Scotland) Act 2020

## 2020 asp 16

### *Miscellaneous provisions*

PROSPECTIVE

#### **29 Extension to sheriff of enforcement powers under Family Law Act 1986**

- (1) The Family Law Act 1986 is modified by subsections (2) and (3).
- (2) After section 29 insert—

##### **“29A Enforcement: special Scottish rule**

- (1) For the purposes of its enforcement, a Part 1 order that is registered in the Court of Session under section 27 is to be regarded as also registered under that section in every sheriff court.
- (2) A sheriff may entertain an application for the enforcement of a Part 1 order if the sheriff would have jurisdiction under Chapter 3 of this Part to make a Part 1 order in respect of the child concerned.
- (3) In reading Chapter 3 of this Part for the purposes of subsection (2)—
  - (a) sections 11 and 13 are to be ignored, and
  - (b) any reference to the date of the application is to be read as a reference to the date of the application for the enforcement of the Part 1 order.”.
- (3) In section 31(2) (dismissal of enforcement proceedings), after “Court of Session” insert “ or sheriff court ”,
- (4) The Courts Reform (Scotland) Act 2014 is modified by subsection (5).
- (5) In section 43(3)(c) (jurisdiction over persons etc.), after “Part 1” insert “ and section 29A ”.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Children (Scotland) Act 2020, Section 29.