

*Draft Order laid before the Scottish Parliament under section 117(5)(b) of the Adoption and Children (Scotland) Act 2007 for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2016 No.**

**CHILDREN AND YOUNG PERSONS**

**The Adoption and Children (Scotland) Act 2007 (Amendment  
of the Children (Scotland) Act 1995) Order 2016**

*Made - - - - 2016*

*Coming into force in accordance with article 1*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 116 of the Adoption and Children (Scotland) Act 2007<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 117(5)(b) of that Act, a draft of this Order was laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. This Order may be cited as the Adoption and Children (Scotland) Act 2007 (Amendment of the Children (Scotland) Act 1995) Order 2016 and comes into force on the day after the day on which it is made.

**Amendment of section 11 of the Children (Scotland) Act 1995**

2. In section 11 of the Children (Scotland) Act 1995 (court orders relating to parental responsibilities, parental rights etc.)<sup>(2)</sup>—

- (a) in subsection (3)(ab), the words “(other than a contact order)” are repealed,
- (b) in subsection (5), the words “and (ab)” are repealed, and
- (c) in subsection (6), for “subsection (4)” substitute “subsections (3)(aa) and (4)”.

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(1) 2007 asp 4.

(2) 1995 c.36. Section 11 was amended by the Family Law (Scotland) Act 2006 (asp 2), section 24, the Adoption and Children (Scotland) Act 2007 (asp 4), section 107 and schedule 2, paragraph 9(2), the Human Fertilisation and Embryology Act 2008 (c.22), Schedule 6, paragraph 52 and S.S.I. 2005/42.

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**Draft Legislation:** This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Adoption and Children (Scotland) Act 2007 (Amendment of the Children (Scotland) Act 1995) Order 2016* ISBN 978-0-11-102983-1

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St Andrew's House,  
Edinburgh  
Date

*Name*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends section 11(3)(ab) of the Children (Scotland) Act 1995 by repealing the words “(other than a contact order)”. This is to make it clear that a person whose parental responsibilities or rights were removed in relation to a child other than for the reasons mentioned in section 11(4) (adoption etc) can apply for a contact order as well as any other order under section 11(1).

Article 2(b) of the Order removes an unnecessary reference to section 11(3)(ab) from section 11(5) which defines a person who can apply for an Order for parental responsibilities or rights as including the child himself or herself. In the context of section 11(3)(ab), the person who can apply for an Order would not include the child.

Article 2(c) of the Order amends section 11(6) to ensure that the reference to “adoption order” in section 11(3)(aa) is interpreted in accordance with the definition in section 11(6).

No business and regulatory impact assessment has been prepared for this Order as no impact upon business, charities or voluntary bodies is foreseen.