



Children (Scotland) Act 2020

2020 asp 16

Further provision about orders under section 11(1) of the Children (Scotland) Act 1995

17 Curators ad litem

- (1) The Children (Scotland) Act 1995 is modified as follows.
- (2) After section 11C (which is inserted by section 8(2) of this Act) insert—

“11D Appointment of curator ad litem

- (1) Where a court is considering making an order under section 11(1), the court—
 - (a) may only appoint a person to act as curator ad litem to a child if the court is satisfied that it is necessary to do so to protect the child's interests,
 - (b) may only appoint a person who is included on the register maintained in accordance with section 101B,
 - (c) is to give reasons for the appointment.
 - (2) Where, in the course of considering making an order under section 11(1), a court has appointed a curator ad litem, the court must—
 - (a) decide whether to continue the appointment every 6 months, and
 - (b) if it decides to continue the appointment, give reasons for the decision.
 - (3) Subsection (2) does not apply in relation to a curator ad litem appointed before section 17 of the Children (Scotland) Act 2020 comes into force.”.
- (3) After section 101A (which is inserted by section 9(2) of this Act) insert—

“101B Register of curators ad litem for the purposes of section 11D

- (1) The Scottish Ministers must establish and maintain a register of persons who may be appointed to act as a curator ad litem in accordance with section 11D.
- (2) The Scottish Ministers may by regulations make provision for or in connection with—

Changes to legislation: There are currently no known outstanding effects for the Children (Scotland) Act 2020, Section 17. (See end of Document for details)

- (a) the requirements that a person must satisfy in order to be included, and remain, on the register (including requirements as to training and qualifications),
- (b) the processes for including a person on, and removing a person from, the register (including appeal rights),
- (c) the process for how, and by whom, a registered person is to be selected as the appointed curator ad litem in a case,
- (d) the remuneration by the Scottish Ministers of curators ad litem appointed in accordance with section 11D, including expenses and outlays (such as counsel's fees),
- (e) the operation and management of the register.

(3) Regulations under subsection (2) are subject to the negative procedure.”.

Commencement Information

II S. 17(1)(3) in force at 25.10.2021 for specified purposes by [S.S.I. 2021/339](#), **reg. 2(d)**

Changes to legislation:

There are currently no known outstanding effects for the Children (Scotland) Act 2020, Section 17.