

Janys M Scott QC

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Areas of Practice

Adults with Incapacity (AWI), Appeal Court, Child, Civil Liberties, Cross Border Issues, Education, Family Law, Fatal Accident Inquiries (FAI), Human Rights, Judicial Review, Matrimonial, Public Sector Regulation, Social Work.

Year of Call: 1992

Year of Silk: 2007

Devil Masters: The Hon. Lady Smith, G. J. B. Moynihan QC

Qualifications: M.A. (Hons) (History and Law), University of Cambridge (Newnham College) 1974

Biography:

Janys Scott qualified and practised as a solicitor in England and in Scotland before entering the Scottish bar. She has served as Convenor of the Scottish Child Law Centre (1992 - 1997), Stepfamily Scotland (1998 - 2002) and the Scottish Legal Group of the British Association for Adoption and Fostering (2004 - 2010). She was part of the Scottish Executive's Adoption Policy Review Group, which reported in 2005. She specialises in family law, including divorce. She is also a recognised expert in education law. In 2005 Mrs Scott was appointed a part-time sheriff. Between 2006 and 2010 she was Director of Murray Stable.

Cases:

Cases include: *Sanderson v McManus* [1997] 1 FLR 980, 1997 SC (HL) 55 (House of Lords decision on contact with child) *T v T* 2001 SC 337 (five judge appeal on children's evidence) *S v Miller* 2001 SC 977 (Inner House, human rights challenge to children's hearing system) *S v N* 2002 SLT 589 (appeal, status of foster parents in children's hearing proceedings) *Anderson v Scottish Ministers* [2003] AC 602, 2002 SC (PC) 63 (Privy Council, mental health, human rights challenge to Act of Scottish Parliament) *Guild v City of Edinburgh* 2002 SCLR 92 (judicial review, education, child with special needs) *White v White* 2002 SC 689 (appeal, child contact) *Coyle v Coyle* 2004 FamLR 2 (financial provision on divorce) *Glasgow Council v H* 2004 SC 189 (appeal, exclusion order) *M Petitioner* 2005 SLT 2 (child abduction) *Cameron v MacIntyre's Executor* 2004 SLT 79 (OH), 2006 SC 283, 2006 SLT 176 (IH) (reduction of adoption order) and 2006 SLT 1088 (expenses of executor) *Crossan v South Lanarkshire Council*, 2006 SLT 441 (judicial review, social work duties in respect of child with disabilities) *Sim v Argyll & Bute Council*, 2006 SLT 970 (judicial review, education, additional support needs, transport) *Surowiak v Dennehy*, 2007 SLT (Sh Ct) 37, 2006 FamLR 66 (Child, Jurisdiction of sheriff court in Scotland, EC Council Regulation 2201/2003) *Ahmed v Ahmed*, 2006 SC 165 (appeal, talaq divorce, reduction of Scottish divorce) *A v A*, 2007 FamLR 43 (child retained in Pakistan, Pakistan Protocol) *S v Edinburgh City Council*, 2007 FamLR 2 (statutory appeal from decision of Additional Support Needs Tribunal, interpretation of 'cost' when comparing independent school with public education) *Gordon v Argyll & Bute Council*, 2007 FamLR 76 (statutory appeal from decision of Additional Support Needs Tribunal, jurisdiction of Tribunal) *JT v Stirling Council*, [2007] CSIH 52, 2007 SC 783 (statutory appeal from decision of Additional Support Needs Tribunal, interpretation of 'significant')

additional support) *Fernandez v Fernandez*, [2007] CSIH 6, 2007 SC 547 (decree by default, appeal) *AB v CD*, 2007 FamLR 53 (divorce, property in offshore trust) *Lessani v Lessani*, 2007 FamLR 81 (divorce, effect of sequestration on financial provision) *WA's Legal Representative v Highland Council* [2008] CSIH 51, 2009 SC 47 (Inner House decision of appeal from Additional Support Needs Tribunal) *East Lothian Council, Petitioner*, [2008] CSOH 137, 2008 SLT 921 (judicial review in relation to school placing request) *Petition of Mr and Mrs LV for an adoption order* [2008] CSOH 180 (adoption, post-adoption contest) *Watt v Watt*, [2009] CSOH 58, 2009 SLT 931 (financial provision on divorce) *M v M and Wards Estate Trustees*, [2009] CSOH 65, 2009 SLT 608 (Outer House), [2009] CSIH 62 (Inner House), 2009 SLT 750 (interdict of trustees from disposing of property pending claims for financial provision) *H v H* [2010] CSOH 32, 2010 SLT 395 (children, residence, repatriation to Australia) *Principal Reporter v K* [2010] UKSC 56, [2011] 1 WLR 18 (suspension of order allowing unmarried father to attend children's hearing, successful challenge to the Children (Scotland) Act 1995 on human rights grounds) *M v M and W Trustees Limited* [2011] CSOH 33 (successful claim to set aside husband's transfer of funds to trust, in context of complex claim for financial provision on divorce)

Publications:

Education Law in Scotland, Thomson/W Green (2003); Children's Rights in Scotland, Cleland, (chapter on Adoption), 3rd edition, W Green (2009); The Laws of Scotland, Stair Memorial Encyclopaedia (Education section), LexisNexis (2010); Law Making and the Scottish Parliament, The Early Years, Sutherland, (chapter on Education), Edinburgh University Press (2011) Scottish Human Rights Service (Family and Education sections), W Green/Sweet & Maxwell; Scottish Family Law Service(formerly Parental Responsibilities and Rights and Adoption sections, now Education section), Butterworths; Court of Session Practice (Family section), Tottel; Editor of Family Law Reports, W Green Various articles including 'Welfare and the new grounds for dispensing with parental consent to adoption - a reply' 2009 SLT (News) 17

Appointments:

Vice-chair of Advocates' Family Law Association; Honorary Lecturer Glasgow Caledonian University (Department of Psychology).

Further Information:

Worked as lecturer in Sulaimaniyah, Iraq 1976 - 78. As Honorary Lecturer Dundee University 1989 - 1994 set up, taught and examined Law Module of Certificate in Child Protection Studies. Visiting Bye-Fellow Newnham College, Cambridge, April - September 2002. Decisions and determinations as a part-time sheriff are available on the Scottish Courts website (<http://www.scotcourts.gov.uk>).