

*These notes relate to the Family Law (Scotland) Act 2006
(asp 2) which received Royal Assent on 20 January 2006*

FAMILY LAW (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT

Unmarried fathers: rights in relation to children

Section 23: Parental responsibilities and parental rights of unmarried fathers

37. Subsections (2) and (3) of section 23 of the Act amend the Children (Scotland) Act 1995. The amendment in subsection (2)(b) gives parental responsibilities and parental rights to unmarried fathers who, in the future, register the birth of their child jointly with the mother. The registration must be under one of the provisions referred to in subsection (3). At present, a father will only automatically acquire such responsibilities and rights if he was married to the child's mother at the time of conception or subsequently.
38. Subsection (3) refers to the relevant provisions for registration in Scotland, England, Wales and Northern Ireland.
39. Subsection (4) makes it clear that a man whose child's birth was registered under any of the provisions for registration referred to in subsection (3) before section 23 comes into force will not gain parental responsibilities and parental rights as a result of the amendment made to the Children (Scotland) Act by subsection (2)(b).