

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2

Permanence Orders

Section 82 - Permanence orders: ancillary provisions

291. **Section 82(1)** sets out the ancillary provisions which, in addition to the core responsibilities and rights provided by the mandatory provision, section 80(2)(b) allows the court to vest in a person. Under paragraph (a) the court may vest in the applicant local authority for the appropriate period such of the parental responsibilities listed in section 1(1)(a), (b)(i) and (d) of the Children (Scotland) Act 1995 (to promote and safeguard the child's health, development and welfare; to provide direction to the child; and to act as the child's legal representative) and such of the parental rights listed in section 2(1)(b) and (d) of that Act (to control, direct or guide the child; to act as the child's legal representative) as the court considers appropriate.
292. Under paragraph (b) of section 82(1) the court may also vest in a person other than the applicant local authority, for the appropriate period, such of the parental responsibilities listed in section 1(1) of the 1995 Act and such of the parental rights listed in section 2(1) (b) to (d) of the 1995 Act in relation to the child as it considers appropriate.
293. Under section 82(1)(c) the ancillary provisions also allow the court, as it sees fit, to extinguish parental responsibilities which, immediately before the making of the permanence order, vested in a parent or guardian of the child and which vest in the local authority (by virtue of section 81(1)(a) or paragraph (a)(i) of section 82(1)) or in a person other than the applicant (by virtue of paragraph (b)(i) of section 82(1)).
294. Subsection (1)(d) of section 82 enables the court to extinguish any parental rights in relation to the child which immediately before the making of the order, vested in a parent or guardian of the child and which by virtue of paragraph (a)(ii) of section 82(1) vest in the local authority or by virtue of paragraph (b)(ii) vest in a person other than the authority.
295. Subsection (1)(e) of section 82 allows the court to specify arrangements relating to contact between the child and any other person the court considers appropriate and as the court considers to be in the best interests of the child.
296. In making a permanence order, the court may also determine any question which has arisen in connection with any parental responsibilities or parental rights in relation to the child or any other aspect of the welfare of the child (section 82(1)(f)).
297. Subsection (2) defines the 'appropriate period' referred to in subsection (1). For the responsibility set out at subsection 1(1)(b)(ii) of the 1995 Act (responsibility to provide

*These notes relate to the Adoption and Children (Scotland) Act
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guidance), the appropriate period begins with the making of the permanence order and ends with the child's 18th birthday. For any other case, the appropriate period begins with the making of the permanence order and ends on the child's 16th birthday.