



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 2

PERMANENCE ORDERS

Rules of procedure

104 Permanence orders: rules of procedure

- (1) Provision may be made by rules of court in respect of—
 - (a) applications for permanence orders,
 - (b) applications for variation, or revocation, of permanence orders,
 - (c) applications for leave to apply for such variation or revocation.
- (2) In the case of an application for a permanence order containing a request that the order include provision granting authority for the child to be adopted, or an application made by virtue of section 93(2), rules must require—
 - (a) any person mentioned in subsection (3)(a) to be notified of the matters mentioned in subsection (4), and
 - (b) the person mentioned in subsection (3)(b) (if he can be found) to be notified of the matters mentioned in paragraphs (a) and (b) of subsection (4).
- (3) Those persons are—
 - (a) every person who can be found and whose consent to the making of the order is required to be given or dispensed with under this Act or, if no such person can be found, any relative prescribed by the rules who can be found,
 - (b) if the father of the child in relation to whom the order is to be made does not have, and has never had, parental responsibilities or parental rights in relation to the child, the father of the child.
- (4) Those matters are—
 - (a) that the application has been made,
 - (b) the date on which, and place where, the application will be heard,

Changes to legislation: Adoption and Children (Scotland) Act 2007, Cross Heading: Rules of procedure is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) the fact that the person is entitled to be heard on the application,
 - (d) the fact that, unless the person wishes, or the court requires, the person need not attend the hearing.
- (5) In subsection (1), any references to an application for variation of a permanence order include references to an application to amend the order to include provision granting authority for the child to whom the order relates to be adopted.

Commencement Information

- I1** S. 104 in force at 20.4.2009 for specified purposes by S.S.I. 2009/147, art. 2, Sch.
- I2** S. 104 in force at 28.9.2009 in so far as not already in force by S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3A) inserted by [2020 asp 16 s. 30\(5\)](#)
- s. 14(4A)-(4C) inserted by [2020 asp 16 s. 2\(2\)\(c\)](#)
- s. 84(5A)(5B) inserted by [2020 asp 16 s. 2\(3\)\(c\)](#)