



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 2

### PERMANENCE ORDERS

#### *Variation*

#### **92 Variation of ancillary provisions in order**

- (1) This section applies where a permanence order which includes ancillary provisions is in force.
- (2) The appropriate court may, on an application by a person mentioned in subsection (3), vary such of the ancillary provisions as the court considers appropriate.
- (3) Those persons are—
  - (a) the local authority on whose application the permanence order was made,
  - (b) if the child in respect of whom the order was made is—
    - (i) aged 12 or over, or
    - (ii) under the age of 12 but, in the court's opinion (taking account of the child's age and maturity), capable of understanding the effect of the order,  
that child,
  - (c) any person in whom parental responsibilities and parental rights are vested by virtue of the order,
  - (d) any person in whom were vested, immediately before the making of the order, any parental responsibilities or parental rights which, by virtue of the making of the order, vest in another person,
  - (e) any person in whom were vested, immediately before a variation by virtue of this section of the order, parental responsibilities or parental rights which, by virtue of the variation, vest in another person,
  - (f) any other person who claims an interest.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Subsection (5) applies where the court exercises its power under subsection (2) to vary the ancillary provisions so as to vest, by virtue of paragraph (a) or (b) of subsection (1) of section 82, in a person a parental responsibility or a parental right which, immediately before the variation, vested in another person.
- (5) The court may include in the order as varied provision extinguishing the responsibility or right of that other person.
- (6) Subsections (4), (5)(a) and (b) and (6) of section 84 apply to the variation of a permanence order under this section as they apply to the making of such an order.
- (7) In subsections (1) and (2), “ancillary provisions” has the same meaning as in section 82.
- (8) In this section, “vary” includes add to, omit, or amend; and “variation” is to be construed accordingly.