

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2019 No. 147**

**Act of Sederunt (Rules of the Court of Session  
1994 and Child Care and Maintenance Rules  
1997 Amendment) (Parental Orders) 2019**

**Amendment of the Rules of the Court of Session 1994**

- 2.—(1) The Rules of the Court of Session 1994<sup>(1)</sup> are amended in accordance with this paragraph.
- (2) In rule 97.1 (application and interpretation)<sup>(2)</sup>—
- (a) in paragraph (1), after “section 54”, insert “or 54A<sup>(3)</sup>”;
  - (b) in paragraph (2), in the definition of “parental order”, after “section 54”, insert “or 54A”.
- (3) In rule 97.7(4) (protection of identity of petitioners), after “section 54(6)”, insert “or 54A(5)”.
- (4) In rule 97.9 (duties of a reporting officer and curator ad litem)<sup>(4)</sup>—
- (a) in paragraph (1)—
    - (i) in sub-paragraph (c), after “section 54(6)”, insert “or 54A(5)”;
    - (ii) in sub-paragraph (d), for “(8) of section 54”, substitute “(8A) of section 54 or subsections (2) to (8) of section 54A”;
  - (b) in paragraph (2)(d), after “section 54(8)”, insert “or 54A(7)”;
  - (c) in paragraph (5)(b), after “section 54(6)”, insert “or 54A(5)”.
- (5) In rule 97.10(1) (agreement), after “section 54(6)”, insert “or 54A(5)”.
- (6) In rule 97.11(1) (procedure where child wishes to express a view), after “section 54(11)”, insert “or 54A(11)”.
- (7) In the Appendix (forms)—
- (a) in Form 97.3 (form of petition for parental order under section 54 of the Human Fertilisation and Embryology Act 2008)—
    - (i) in the heading, after “section 54”, insert “or 54A”;
    - (ii) in the instance, after “section 54”, insert “[or 54A]”;
    - (iii) in the prayer, after “section 54”, insert “[or 54A]”;
    - (iv) in the signing docquet, after “Counsel or other person having a right of audience]”, on the next line, insert—

---

<sup>(1)</sup> The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443, last amended by S.S.I. 2019/146).

<sup>(2)</sup> Chapter 97 and associated forms were inserted by S.S.I. 2010/136.

<sup>(3)</sup> Section 54A was inserted by S.I. 2018/1413.

<sup>(4)</sup> Rules 97.9 and 97.10 were amended by S.S.I. 2010/205.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

“  
  
or (Signed)  
  
(Signed)  
  
Petitioners]  
  
;”

(v) at the end of the form, insert—

“  
*[Note – where the petitioner is a single applicant under section 54A of the Human Fertilisation and Embryology Act 2008, references throughout this form to “the petitioners” should be amended to “the petitioner”. Paragraph 1 of the statement of facts should be omitted in petitions by a single applicant. Text in other paragraphs and the signing docquet should be amended as appropriate.]*

(b) in Form 97.10 (form of agreement to a parental order under section 54(6) of the Human Fertilisation and Embryology Act 2008)—

- (i) in the heading, after “section 54(6)”, insert “or 54A(5)”;
- (ii) in the instance, after “section 54”, insert “or [54A]”;
- (iii) at the end of the form, insert—

“  
*[Note – where the petition is made by a single applicant under section 54A of the Human Fertilisation and Embryology Act 2008, references throughout this form to “the petitioners” should be amended to “the petitioner”.]*

(c) in Form 97.12 (form of intimation of hearing of application for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008)—

- (i) in the heading, after “section 54”, insert “or 54A”;
- (ii) in the instance, after “section 54”, insert “[or 54A]”;
- (iii) in paragraph 3, after “the petitioners”, insert “[or petitioner]”;
- (iv) in the signing docquet—
  - (aa) after “for petitioners”, insert “[or petitioner]”;
  - (bb) after “[Deputy Principal Clerk\*]”, insert “or [Petitioner[s]]”.