
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 Act of Sederunt (Child Care and Maintenance Rules) 1997

3.—(1) The Act of Sederunt (Child Care and Maintenance Rules) 1997(1) is amended in accordance with this paragraph.

(2) In rule 2.45 (interpretation)(2), in the definition of “parental order”, after “section 54”, insert “or 54A(5)”.

(3) In rule 2.49(4) (protection of identity of petitioners), after “section 54(6)”, insert “or 54A(5)”.

(4) In rule 2.51 (duties of reporting officer and curator ad litem)(3)—

(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 2.52(1) (agreement), after “section 54(6)”, insert “or 54A(5)”.

(6) In rule 2.53(1) (procedure where child wishes to express a view), after “section 54(11)”, insert “or 54A(11)”.

(7) In schedule 1 (forms)—

(a) in Form 22 (form of petition for parental order under section 54 of the Human Fertilisation and Embryology Act 2008)(4)—

(i) in the heading, after “SECTION 54”, insert “OR 54A”;

(ii) in the instance, after “section 54”, insert “[or 54A]”;

(iii) in crave 4, after “section 54”, insert “[or 54A]”;

(iv) 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.]

(1) S.I. 1997/291, last amended by S.S.I. 2016/194.

(2) Part VI of Chapter 2 was substituted, and associated forms inserted, by S.S.I. 2010/137.

(3) Rules 2.51 and 2.52 were amended by S.S.I. 2010/279.

(4) Form 22 was amended by S.S.I. 2012/188.

Status: This is the original version (as it was originally made).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

(b) in Form 23 (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) 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.”]
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(c) in Form 24 (form of intimation of diet of the 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) after “section 54”, insert “or 54A”;

(iii) after “the petitioners”, insert “[or petitioner]”;

(iv) 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 and the form is to be signed by the petitioner, the signing docquet should be amended as appropriate.]
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