

*These notes refer to the Human Fertilisation and Embryology Act 2008 (c.22) which received Royal Assent on 13 November 2008*

# HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2: Parenthood in Cases Involving Assisted Reproduction**

#### ***Section 56: Amendments relating to parenthood in cases involving assisted reproduction***

##### **Amendments in Part 2 of Schedule 6**

##### **Children (Scotland) Act 1995**

229. Paragraphs 48 to 50 of Schedule 6 amend sections 1(1), 2(1) and 3 of the Children (Scotland) Act 1995 (“the 1995 Act”) to deal with circumstances in which a second female parent will have legal parental responsibility for, and parental rights in relation to, a child.
230. Paragraphs 51 and 52 of Schedule 6 amend section 4 and section 11 of the 1995 Act in order that a second female parent who is not in a civil partnership can acquire parental responsibility, by making a parental responsibility agreement with the child’s mother, or by obtaining a court order.
231. Paragraph 53 of Schedule 6 amends section 12(4)(b) of the 1995 Act to extend the definition of “child of the family” in relation to civil partners. The extended definition includes a child who is a child of both partners, by virtue of sections 33 and 42 (where the partners were in a civil partnership at the time of treatment).