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SCHEDULE 2

Paragraph 2(3)

**FORM 81.5 Form of agreement under section 30(5) of the Human Fertilisation and Embryology Act 1990**

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Rule 81.5(1)

IN THE COURT OF SESSION

in the PETITION of

[A.B.] (designation and address)

and

[C.D.] (designation and address)

[or serial number where one has been assigned]

for

A Parental Order under the Human Fertilisation and Embryology Act 1990

in respect of

[E.F.] (name as in birth certificate)

I, (name and address) being the father of the child by virtue of section 28 of the Human Fertilisation and Embryology Act 1990 [or otherwise] [or the woman who carried the child] hereby state

(1) That I understand that the effect of the parental order for which application has been made will be to deprive me permanently of parental rights and duties relating to the child and to vest them in the petitioners; and, in particular, I understand that, if an order is made, I shall have no right to see or get in touch with the child or to have him [or her] returned to me.

(2) That I understand that the court cannot make a parental order in relation to the child without my agreement and the agreement of the woman who carried the child [or the father of the child, where he is not one of the petitioners] unless the court dispenses with an agreement on the ground that the person concerned cannot be found or is incapable of giving agreement.

(3) That I understand that when the hearing of the petition to determine the application for a parental order in relation to the child is heard, this document may be used as evidence of my agreement to the making of the order unless I inform the court that I no longer agree.

(4) That I freely, and with full understanding of what is involved, agree unconditionally to the making of a parental order in relation to the child.

(5) That I have not received or given any money or benefit, other than for expenses reasonably incurred, for or in consideration of—

- (a) the making of a parental order,
- (b) the execution of this agreement,
- (c) the handing over of the child to the petitioners, or
- (d) the making of any arrangements with a view to the making of a parental order,

[other than (state any money or other benefit given or received by authority of the court and specify such authority)].

I have signed this agreement at (place of signing) on the \_\_\_\_\_ day of \_\_\_\_\_

(Signed by father of the child or woman who carried the child)

This agreement was signed by \_\_\_\_\_ before me at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_

(Signed)  
Reporting Officer  
[or Witness  
(full name and address)]

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**FORM 81.9 Form of petition for parental order under section 30 of the Human Fertilisation and Embryology Act 1990**



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(d) the making of any arrangements with a view to the making of the order.  
[other than (state any money or other benefit given or received by authority of the court and specify such authority)].

[[11.] That the father of the child [and] [or] [the woman who carried the child] cannot be found (state the efforts which have been made to find the person(s) concerned) [or is [or are] incapable of giving agreement by reason of (state reasons)].]

MAY IT THEREFORE please your Lordships to dispense with intimation and to order notice of the petition to be served on such person or persons as the court thinks fit; to appoint a reporting officer and, if necessary, curator *ad litem*, to the child and direct them to report; [to dispense with the agreement of [the father of the child] [and] [or] [the woman who carried the child] [who cannot be found] [who is [or are] incapable of giving agreement];] on resuming consideration of this petition and the report by the reporting officer and the curator *ad litem*, if one is appointed, to make a parental order in their favour under section 30 of the Human Fertilisation and Embryology Act 1990 in respect of the child; to direct the Registrar General for Scotland to make an entry regarding the parental order in the Parental Order Register in the form prescribed by him giving as the forename(s) and as the surname of the child; and on proof to the satisfaction of the court in the course of the proceedings to follow hereon, to find that the child was born on the day of in the year and is identical with the child to whom an entry numbered and made on the day of in the year, in the register of births for the registration district of relates; and to direct the Registrar General for Scotland to cause such birth entry to be marked with the words "Parental Order" and to include the above mentioned date of birth in the entry recording the parental order in the manner indicated in that form; to pronounce such other or further orders or directions upon such matters, including the expenses of this petition, as the court thinks fit.

ACCORDING TO JUSTICE ETC.

(Signed)

Solicitor [or Agent] for petitioners  
(Address)

[or (Signed)  
Counsel or other person having a right of audience]

**FORM 81.12 Form of intimation of hearing of application for a parental order under section 30 of the Human Fertilisation and Embryology Act 1990**

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Rule 81.12(3)

**IN THE COURT OF SESSION**

in the

**PETITION**

of

[A.B.] (*designation and address*)

and

[C.D.] (*designation and address*)  
*[or serial number where one has been assigned]*;

for

A Parental Order under section 30 of the Human  
Fertilisation and Embryology Act 1990

in respect of

[E.F.] (*name as in birth certificate*)

Date: (*date of posting or other method of intimation*)

To: (*name and address*)

**TAKE NOTICE**

1. That the hearing on this petition to determine the application for a parental order will come before the Lord Ordinary in the Court of Session, Parliament House, Edinburgh on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock and that you may then appear and be heard personally or by counsel or other person having a right of audience on the question whether a parental order should be made.
2. That you are [*not*] obliged to attend the hearing [unless you wish to do so].
3. That while the petition is pending you must not, except with the leave of the court, remove the child from the custody of the petitioners.
4. That the court has been requested to dispense with your agreement to the making of an order on the ground[s] that (*specify ground(s)*).

(Signed)

Messenger-at-Arms  
[or Solicitor [or Agent] for petitioners]  
(Address)