



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 2

### PERMANENCE ORDERS

#### *Revocation and variation*

#### **98 Revocation**

- (1) The appropriate court may, on an application by a person mentioned in subsection (2), revoke a permanence order if satisfied that it is appropriate to do so in all the circumstances of the case, including, in particular—
- (a) a material change in the circumstances directly relating to any of the order's provisions,
  - (b) any wish by the parent or guardian of the child in respect of whom the order was made to have reinstated any parental responsibilities or parental rights vested in another person by virtue of the order.
- (2) Those persons are—
- (a) the local authority on whose application the order was made,
  - (b) any other person affected by the order who has obtained the leave of the court to apply for revocation of the order.
- (3) Subsections (4), (5)(a) and (b) and (6) of section 84 apply to the revocation of a permanence order under this section as they apply to the making of such an order.

#### **99 Duty of local authority to apply for variation or revocation**

- (1) Subsection (2) applies where a local authority on whose application a permanence order was made determines that—
- (a) there has been a material change in the circumstances directly relating to any of the order's provisions, and
  - (b) in consequence of that change, the order ought to be varied or revoked.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The authority must, as soon as is reasonably practicable, apply to the appropriate court for variation or, as the case may be, revocation of the order.
- (3) In this section, “variation”, in relation to the permanence order, includes amendment of the order so as to include provision granting authority for the child to whom the order relates to be adopted; and “varied” is to be construed accordingly.

**100      Revocation: order under section 11 of 1995 Act**

- (1) Subsection (2) applies where the appropriate court revokes a permanence order in respect of a child.
- (2) The court must consider whether to make an order under section 11 of the 1995 Act—
  - (a) imposing on a person specified in the order parental responsibilities in relation to the child, and
  - (b) giving to such a person parental rights in relation to the child.