

SCHEDULE

Paragraph 2(3)

Form 22

Rule 2.46(1)

FORM OF PETITION FOR PARENTAL ORDER UNDER SECTION 54 OF THE
HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

PETITION

of

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

and

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

Petitioners

for

a parental order under section 54 of the Human
Fertilisation and Embryology Act 2008

in respect of

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

The petitioners condescend as follows—

1. The petitioners are [married to each other] *or* [civil partners of each other] *or* [two persons who are living as partners in an enduring family relationship and are not within prohibited degrees of relationship in relation to each other], are domiciled in the [United Kingdom][Channel Islands]*or* [Isle of Man] and reside at *(state full address)*.
2. The petitioners are respectively and years of age.
3. *(State name of child, the subject of the petition)* is [male] *or* [female] and is [months] *or* [years] old having been born on at .

Status: This is the original version (as it was originally made).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

4. [A court has not previously refused the petitioners' application for a parental order in respect of the child] *or* [A court has previously refused the petitioners' application for a parental order in respect of the child but the court directed that section 33(1) of the Adoption and Children (Scotland) Act 2007 as modified, should not apply] *or* [A court has previously refused the petitioners' application for a parental order in respect of the child but the petitioners aver that it is proper for the court to hear the application because (give full details)].
5. The child is not and never has been married or a civil partner.
6. The child's home is with the petitioners.
7. The child was carried by a woman other than the female petitioner as the result of [the placing in her of an embryo] *or* [the placing in her of sperm and eggs] *or* [her artificial insemination].
8. The gametes of (*state which petitioner or if both state both petitioners*) were used to bring about the creation of the embryo of the child.
9. The child is not the subject of any other pending or completed court proceedings (*if the child is so subject give full details*).
- [10. (*State full name and address of the other parent of the child*), who is [the father of the child by virtue of sections 35 or 36 of the Human Fertilisation and Embryology Act 2008] *or* [the other parent of the child by virtue of sections 42 or 43 of the Human Fertilisation and Embryology Act 2008] *or* [the other parent of the child by virtue of (*specify*)], where he or she is not one of the petitioners has freely and with full understanding of what is involved, agreed unconditionally to the making of the order sought.]
- [[11.] (*State full name and address of the woman who carried the child*), is the woman who carried the child and has freely and with full understanding of what is involved, agreed unconditionally to the making of the order sought.]
- [12.] No money or benefit, other than for expenses reasonably incurred, has been given or received by the petitioners for or in consideration of
 - (a) the making of the order sought;
 - (b) any agreement required for the making of the order sought;
 - (c) the handing over of the child to the petitioners, or
 - (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*)].
- [[13.] [The father of the child by virtue of sections 35 or 36 of the Human Fertilisation and Embryology Act 2008] *or* [The other parent of the child by virtue of sections 42 or 43 of the Human Fertilisation and Embryology Act 2008] *or* [The other parent of the child by virtue of (*specify*)] [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*)].]

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

The petitioners crave the court—

1. To order notice of the petition to be intimated to such person or persons as the court thinks fit.
2. To appoint a reporting officer and a curator *ad litem* to the child and direct them to report.
- [3. To dispense with the agreement of the other parent of the child *[and]* *[or]* *[the woman who carried the child]* *[who cannot be found]* *or* *[who is [or are] incapable of giving agreement].*]
- [4.] On resuming consideration of this petition and the reports by the reporting officer and the curator *ad litem*, to make a parental order in their favour under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the child.
- [5.] 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 or her giving *[insert forename(s)]* as the forename(s) and *[insert surname]* as the surname of the child; and upon 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 *[insert date]* day of *[insert month]* in the year *[insert year]* and is identical with the child to whom an entry numbered *[insert entry number]* and made on the *[insert date]* day of *[insert month]* in the year *[insert year]*, in the Register of Births for the registration district of *[insert district]* 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.
- [6.] To pronounce such other or further orders or directions upon such matters, including the expenses of this petition, as the court thinks fit.

[(Signed)

First Petitioner

(Signed)

Second petitioner]

or [(Signed)

Solicitor for petitioners]

(Address)

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

Form 23

Rule 2.52(1)

FORM OF AGREEMENT TO A PARENTAL ORDER UNDER SECTION 54(6) OF THE HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

In the petition applying for a parental order in relation to *(insert the full name of the child as it is given in the birth certificate)*.

[*to which petition the court has assigned the serial number *(insert serial number)*.] (*delete as appropriate)

I, *(insert name and address)*, confirm that I am [the woman who carried the child] *or* [the father of the child by virtue of sections 35 or 36 of the Human Fertilisation and Embryology Act 2008] *or* [the other parent of the child by virtue of sections 42 or 43 of the Human Fertilisation and Embryology Act 2008] *or* [the other parent of the child by virtue of *(specify)*]. I confirm that:-

- (1) I fully understand that the effect of the making of a parental order in respect of the child will be to extinguish all the parental responsibilities and parental rights which I have at present in respect of the child.
- (2) 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 by virtue of sections 35 or 36 of the Human Fertilisation and Embryology Act 2008] *or* [the other parent of the child by virtue of sections 42 or 43 of the Human Fertilisation and Embryology Act 2008] *or* [the other parent of the child by virtue of *(specify)*], where he or she is not one of the petitioners] unless the court dispenses with agreement on the ground that the person concerned cannot be found or is incapable of giving agreement.
- (3) 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) I freely, and with full understanding of what is involved, agree unconditionally to the making of a parental order in relation to the child.

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

- (5) 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 the 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 Two thousand
and

(Signed by the [*woman who carried the child*] [*father*] or [*other parent of the child*])

This agreement was signed in the presence of:-

(Signature of witness)

[Insert full name and address of witness]

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

Form 24

Rule 2.54(3)

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

To: *(insert full name and address of person to whom this intimation is to be sent)*

You are given NOTICE that a hearing will take place at *(insert name and address of sheriff court)* on *(insert date)* at *(insert time)* in relation to the child *(insert full name of child as given in the birth certificate)*

when the court will consider an application for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the child.

You are [not] obliged to attend the hearing [unless you wish to do so].

If you do not attend this hearing the court may make an order as noted above.

[While the petition is pending you must not, except with the leave of the court, remove the child from the care of the petitioners.]

[The court has been requested to dispense with your agreement to the making of an order on the ground[s] that *(specify ground(s))*].

Date *(insert date)*

[(Signed)

First petitioner

(Signed)

Second petitioner]

or *[(Signed)*

[Solicitor for petitioners] or [sheriff clerk]
(Address)]*

**where serial number assigned*

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

Form 25

Rule 2.55(3)(b)

FORM OF INTIMATION OF DIET OF THE HEARING OF APPLICATION UNDER SECTIONS 22(1) OR 24 OF THE HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

To: *(insert full name and address of person to whom this intimation is to be sent)*

You are given NOTICE that a hearing will take place at *(insert name and address of sheriff court)* on *(insert date)* at *(insert time)* in relation to the child *(insert full name of child as given in the birth certificate)*

when the court will consider a minute of application under rule 2.55 of the Act of Sederunt (Child Care and Maintenance Rules) 1997 in respect of the child. A copy of the application is attached.

You do not need to attend this hearing if you do not wish to be heard by the court.

Date *(insert date)*

(Signed)

Minuter

or *[(Signed)*

[Solicitor for minuter] or [sheriff clerk]
(Address)]*

**where serial number has been assigned*