

SCHEDULE 2

Regulation 3

REFERENCES IN CONNECTION WITH ADOPTION IN ENACTMENTS

Succession (Scotland) Act 1964

1. In section 37(1) of the Succession (Scotland) Act 1964⁽¹⁾, the reference to “the Adoption (Scotland) Act 1978” shall be read, in relation to parental orders and to applications for such orders, as a reference to—

- (a) the Adoption (Scotland) Act 1978, as modified by the Parental Orders (Human Fertilisation and Embryology) (Scotland) Regulations 1994; and
- (b) section 30 of the Human Fertilisation and Embryology Act 1990.

Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49)

2.—(1) In section 40(2) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965⁽²⁾ the reference to—

- (a) “the Adopted Children Register maintained under section 22(1) of the Adoption Act 1958” shall be read, in relation to parental orders and to applications for such orders, as a reference to the Parental Order Register maintained under section 45(1) of the Adoption (Scotland) Act 1978 as modified by the Parental Orders (Human Fertilisation and Embryology) (Scotland) Regulations 1994;
- (b) “adoption” shall be read, in relation to parental orders and to applications for such orders, as the effect of a parental order made under section 30 of the Human Fertilisation and Embryology Act 1990.

(2) In section 43(1) of that Act, the reference to “the Adopted Children Register maintained by the Registrar General under section 22 of that Act”, shall be read, in relation to parental orders and to applications for such orders, as a reference to the Parental Order Register maintained by the Registrar General under section 45(1) of the Adoption (Scotland) Act 1978 as modified by the Parental Orders (Human Fertilisation and Embryology) (Scotland) Regulations 1994.

Foster Children (Scotland) Act 1984

3. In section 2(5)(a) of the Foster Children (Scotland) Act 1984⁽³⁾ the reference to adopting a child “under arrangements made by an adoption agency within the meaning of section 1 of the Adoption Act 1976 or section 1 of the Adoption (Scotland) Act 1978” shall be read, in relation to parental orders and to applications for such orders, as a reference to making an application for a parental order in respect of a child under section 30 of the Human Fertilisation and Embryology Act 1990.

Child Abduction and Custody Act 1985

4. In paragraph 5(ii) of Schedule 3 to the Child Abduction and Custody Act 1985⁽⁴⁾, the reference to “an adoption order under section 12(1) of the Adoption (Scotland) Act 1978” shall be read, in relation to parental orders, as a reference to a parental order under section 30 of the Human Fertilisation and Embryology Act 1990.

(1) 1964 c. 41; section 37(1) was amended by the Children Act 1975 (c. 72), Schedule 2, paragraph 5 and by the 1978 Act, Schedule 3, paragraph 5.

(2) 1965 C.49.

(3) 1984 c. 56.

(4) 1985 c. 60.

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

Family Law Act 1986

5. In section 1(1)(b)(ii) of the Family Law Act 1986⁽⁵⁾, the reference to “an adoption order as defined in section 12(1) of the Adoption (Scotland) Act 1978” shall be read, in relation to parental orders, as a reference to a parental order under section 30 of the Human Fertilisation and Embryology Act 1990.

Human Fertilisation and Embryology Act 1990

6. In relation to Scotland in section 27(2) and section 28(5)(c) of the Human Fertilisation and Embryology Act 1990⁽⁶⁾ the reference to the child being “treated by virtue of adoption as not being the child of any person other than the adopter or adopters” shall be read, in relation to parental orders, as a reference to the child being treated by virtue of a parental order as not being the child of any person other than the husband and wife within the meaning of section 30 of that Act.

(5) 1986 c. 55.

(6) 1990 c. 37.