
STATUTORY INSTRUMENTS

1997 No. 854 (S.79)

COURT OF SESSION, SCOTLAND

**Act of Sederunt (Rules of the Court of Session Amendment
No. 3) (Human Fertilisation and Embryology) 1997**

Made - - - - *12th March 1997*
Coming into force - - *1st April 1997*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 59 of the Adoption (Scotland) Act 1978((1) and by section 5 of the Court of Session Act 1988((2) and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session Amendment No. 3) (Human Fertilisation and Embryology) 1997 and shall come into force on 1st April 1997.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendment of Chapter 81 of the Rules of the Court of Session

2.—(1) Subject to paragraph 4 below, Chapter 81 of the Rules of the Court of Session 1994((3) (applications for parental orders under the Human Fertilisation and Embryology Act 1990)((4) shall be amended in accordance with the following sub-paragraphs.

(2) For rule 81.4 substitute –

“Selection of reporting officer or curator ad litem

81.4 Where the court appoints a reporting officer or a curator *ad litem* and there is an established panel of persons from whom the appointment may be made, the reporting officer or curator *ad litem* shall be selected from that panel unless the court considers that it would be appropriate to appoint a person who is not on the panel.”.

(1) 1978 c. 28; section 59 was amended by section 98(1) of, and paragraph 27 of Schedule 2 to, the Children (Scotland) Act 1995 (c. 36).
(2) 1988 c. 36; section 5 was amended by the [Civil Evidence \(Scotland\) Act 1988, \(c.32\)](#), section 2(3) and by the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 45.
(3) S.I.1994/1443.
(4) 1990 c. 37.

- (3) In rule 81.11 (duties of reporting officer and of curator *ad litem*) –
- (a) in each of paragraphs (1)(e) and 2(d), for the words “rights and duties” substitute “responsibilities and parental rights”; and
 - (b) in paragraph (2)(e), for the word “childhood” substitute “life”.
- (4) Omit rule 81.13.
- (5) In rule 81.18(2)(a) (age of person entitled to open, or inspect contents of, process within 100 years after date of parental order), for the word “17” substitute “16”.

Amendment to Form 81.5

3. —Subject to paragraph 4 below, in the appendix to the Rules of the Court of Session 1994, in paragraph (1) of Form 81.5 (form of agreement under section 30(5) of the Human Fertilisation and Embryology Act 1990)(**5**), for the words “rights and duties” substitute “responsibilities and parental rights”.

Saving

4. —Paragraphs 2 and 3 of this Act of Sederunt shall not affect the application of Chapter 81 of the Rules of the Court of Session in relation to any parental order applied for before 1st April 1997.

Edinburgh,
12th March 1997

Rodger of Earlsferry
Lord President, I.P.D.

(5) Form 81.5 was inserted by S.I. [1994/2806](#).

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

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt)

This Act of Sederunt makes minor amendments (mainly consequential upon the effect of the provisions of the Children (Scotland) Act 1995) to the Rules of the Court of Session 1994 in relation to parental orders applied for, on or after 1st April 1997, under section 30 of the Human Fertilisation and Embryology Act [1990 \(c. 37\)](#).