

## SCHEDULE 1

### Consequential Amendments Relating to Parenthood

#### PART 1

##### Amendments to Primary legislation

###### **Marriage (Scotland) Act 1977**

1. In section 2 of the Marriage (Scotland) Act 1977(1) (marriage of related persons), after subsection (7) insert—

“(7A) This section and Schedule 1 to this Act have effect as if any reference in paragraphs 1 and 2 of that Schedule to a mother within any of the degrees of relationship specified in either column included a woman who is a parent of a child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008 (c. 22).”.

###### **Children Act 1989**

2. In section 104 of the Children Act 1989(2) (regulations and orders), in subsection (3A), after “4(1B)” insert “, 4ZA(3)”.

###### **Human Fertilisation and Embryology Act 1990**

3. In section 30 of the 1990 Act (parental orders in favour of gamete donors), as it has effect until the coming into force of its repeal by the 2008 Act, for subsection (5) substitute—

“(5) The court must be satisfied that both—

- (a) the father of the child (including a person who is the father by virtue of section 28 of this Act or section 35 or 36 of the Human Fertilisation and Embryology Act 2008), where he is not the husband, or any woman who is a parent of the child by virtue of section 42 or 43 of that Act, and
- (b) the woman who carried the child,

have freely, and with full understanding of what is involved, agreed unconditionally to the making of the order.”.

###### **Civil Partnership Act 2004**

4. In section 86 of the Civil Partnership Act 2004(3) (eligibility), after subsection (5) insert—

“(5A) This section and Schedule 10 have effect as if any reference in that Schedule to a mother within any of the degrees of relationship specified in either column included a woman who is a parent of a child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008 (c. 22).”.

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- (1) 1977 c. 15. Section 2 was amended by the Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9), sections 9 and 10, Schedule 1, paragraph 17 and Schedule 2; the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16), section 2, Schedule 2, paragraph 2; the Gender Recognition Act 2004 (c. 7), Schedule 4, paragraph 7; the Family Law (Scotland) Act 2006 (asp 2), section 1(a) and S.S.I. 2006/384, article 4.
  - (2) 1989 c. 41. Section 104(3A) was inserted by the Children and Young Persons Act 2008 (c. 23), section 39 and Schedule 3 paragraphs 1, 25(1) and (4). Section 4ZA(3) was inserted by the Human Fertilisation and Embryology Act 2008 Act (c. 22), section 56, Schedule 6, Part 1, paragraph 27.
  - (3) 2004 c. 33. Section 86 was amended by the Family Law (Scotland) Act 2006 (asp 2), Schedule 1, paragraph 2 and Schedule 3.

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