



Family Law (Scotland) Act 2006

2006 asp 2

Unmarried fathers: rights in relation to children

23 Parental responsibilities and parental rights of unmarried fathers

- (1) Section 3 of the Children (Scotland) Act 1995 (c. 36) (provisions relating both to parental responsibilities and parental rights) shall be amended in accordance with subsections (2) and (3).
- (2) In paragraph (b) of subsection (1) (cases in which parents have parental responsibilities and parental rights)—
 - (a) the words from “married” to the end shall become sub-paragraph (i) of that paragraph; and
 - (b) at the end there shall be added “or
 - (ii) where not married to the mother at that time or subsequently, the father is registered as the child’s father under any of the enactments mentioned in subsection (1A).”.
- (3) After subsection (1) there shall be inserted—

“(1A) Those enactments are—

 - (a) section 18(1)(a), (b)(i) and (c) and (2)(b) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49);
 - (b) sections 10(1)(a) to (e) and 10A(1)(a) to (e) of the Births and Deaths Registration Act 1953 (c. 20); and
 - (c) article 14(3)(a) to (e) of the Births and Deaths Registration (Northern Ireland) Order 1976 (S.I. 1976/1041).”.
- (4) Paragraph (b)(ii) of subsection (1) of section 3 of the Children (Scotland) Act 1995 (c. 36) (which is inserted by subsection (2)(b)) shall not confer parental responsibilities or parental rights on a man who, before the coming into force of subsections (2) and (3), was registered under any of the enactments mentioned in subsection (1A) of that section (which is inserted by subsection (3)).