

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2

Permanence Orders

Section 104 - Permanence orders: rules of procedure

346. This section allows rules of court to be made which make provision in relation to applications for permanence orders, applications for variation or revocation of permanence orders (including, by virtue of subsection (5), an application to amend a permanence order to include authority for the child to be adopted) and applications for leave to apply for variations or revocations.
347. Subsection (2) provides that where an application is made for a permanence order containing a request that the order include provision granting authority for the child to be adopted, or where an application is made under section 93(2), rules must require certain persons to be notified of certain matters. By virtue of subsection (3) these are every person who can be found and whose agreement or consent to the making of the order is required to be given or dispensed with or, if no such person can be found, any relative prescribed by rules who can be found (subsection (3)(a)). These people must be notified that the application has been made; of the date on which and the place at which the application will be heard; that the person is entitled to be heard on the application; and that the person does not need to attend the hearing if they do not wish to do so, unless required by the court (subsections (3)(a) and (4)).
348. Under subsections (2)(b) and (3)(b), the father of the child, if he has never had parental responsibilities and parental rights in relation to the child, and if he can be found, must be informed of the date on which and the place at which the application will be heard.