

Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 2

PERMANENCE ORDERS

Revocation and variation

98 Revocation

- (1) The appropriate court may, on an application by a person mentioned in subsection (2), revoke a permanence order if satisfied that it is appropriate to do so in all the circumstances of the case, including, in particular—
- (a) a material change in the circumstances directly relating to any of the order's provisions,
 - (b) any wish by the parent or guardian of the child in respect of whom the order was made to have reinstated any parental responsibilities or parental rights vested in another person by virtue of the order.
- (2) Those persons are—
- (a) the local authority on whose application the order was made,
 - (b) any other person affected by the order who has obtained the leave of the court to apply for revocation of the order.
- (3) Subsections (4), (5)(a) and (b) and (6) of section 84 apply to the revocation of a permanence order under this section as they apply to the making of such an order.

Commencement Information

- II** S. 98 in force at 28.9.2009 by S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)

Changes to legislation: Adoption and Children (Scotland) Act 2007, Cross Heading: Revocation and variation is up to date with all changes known to be in force on or before 29 October 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

99 Duty of local authority to apply for variation or revocation

- (1) Subsection (2) applies where a local authority on whose application a permanence order was made determines that—
 - (a) there has been a material change in the circumstances directly relating to any of the order's provisions, and
 - (b) in consequence of that change, the order ought to be varied or revoked.
- (2) The authority must, as soon as is reasonably practicable, apply to the appropriate court for variation or, as the case may be, revocation of the order.
- (3) In this section, “variation”, in relation to the permanence order, includes amendment of the order so as to include provision granting authority for the child to whom the order relates to be adopted; and “varied” is to be construed accordingly.

Commencement Information

I2 S. 99 in force at 28.9.2009 by S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)

100 Revocation: order under section 11 of 1995 Act

- (1) Subsection (2) applies where the appropriate court revokes a permanence order in respect of a child.
- (2) The court must consider whether to make an order under section 11 of the 1995 Act—
 - (a) imposing on a person specified in the order parental responsibilities in relation to the child, and
 - (b) giving to such a person parental rights in relation to the child.

Commencement Information

I3 S. 100 in force at 28.9.2009 by S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3A) inserted by [2020 asp 16 s. 30\(5\)](#)
- s. 14(4A)-(4C) inserted by [2020 asp 16 s. 2\(2\)\(c\)](#)
- s. 84(5A)(5B) inserted by [2020 asp 16 s. 2\(3\)\(c\)](#)