



Law Reform (Parent and Child) (Scotland) Act 1986

1986 CHAPTER 9

2 Parental rights and their exercise

- (1) Subject to sections 3 and 4 of this Act—
 - (a) a child's mother shall have parental rights whether or not she is or has been married to the child's father ;
 - (b) a child's father shall have parental rights only if he is married to the child's mother or was married to her at the time of the child's conception or subsequently.
- (2) For the purposes of subsection (1)(b) above, the father shall be regarded as having been married to the mother at any time when he was a party to a purported marriage with her which was—
 - (a) voidable, or
 - (b) void, but believed by him in good faith at that time to be valid, whether that belief was due to an error of fact or an error of law.
- (3) Nothing in this section shall affect any enactment or rule of law by virtue of which a parent may be granted or deprived of parental rights.
- (4) Where two or more persons have any parental right, each of them may exercise that right without the consent of the other person or, as the case may be, any of the other persons unless any decree or deed conferring the right otherwise provides.