
STATUTORY INSTRUMENTS

1997 No. 853

**Act of Sederunt (Rules of the Court of Session
Amendment No.2) (Adoption Applications) 1997**

Amendment of Forms

3.—(1) Subject to paragraph 4 below, the Appendix to the Rules of the Court of Session 1994⁽¹⁾ shall be amended in accordance with the following sub-paragraphs.

(2) In Form 67.5-A (form of agreement of a parent or guardian to an adoption order or an order under section 49 of the Act of 1978)—

- (a) in the first heading, at the end add “(to be used except where Form 67.5-F is appropriate)”;
- (b) in paragraph (1), for the words “rights and duties” substitute “responsibilities and parental rights”;
- (c) in paragraph (2), for sub-paragraphs (a) to (f) substitute—
 - “(a) is not known, cannot be found or is incapable of giving agreement;
 - (b) is withholding agreement unreasonably;
 - (c) has persistently failed, without reasonable cause, to fulfil one or other of the following parental responsibilities in relation to the child—
 - (i) the responsibility to safeguard and promote the child’s health, development and welfare; or
 - (ii) if the child is not living with him, the responsibility to maintain personal relations and direct contact with the child on a regular basis; or
 - (d) has seriously ill-treated the child, whose reintegration into the same household as the parent or guardian is, because of the serious ill-treatment or for other reasons, unlikely.”.

(3) In Form 67.5-B (form of agreement of a parent or guardian to an adoption order in a petition for an order freeing a child for adoption under section 18 of the Act of 1978)—

- (a) in paragraph (1), for the words “rights and duties” substitute “responsibilities and parental rights”;
- (b) in paragraph (2), for sub-paragraphs (a) to (f) substitute—
 - “(a) is not known, cannot be found or is incapable of giving agreement;
 - (b) is withholding agreement unreasonably;
 - (c) has persistently failed, without reasonable cause, to fulfil one or other of the following parental responsibilities in relation to the child—
 - (i) the responsibility to safeguard and promote the child’s health, development and welfare; or
 - (ii) if the child is not living with him, the responsibility to maintain personal relations and direct contact with the child on a regular basis; or

⁽¹⁾ cf. note (c) on page 1.

(d) has seriously ill-treated the child, whose reintegration into the same household as the parent or guardian is, because of the serious ill-treatment or for other reasons, unlikely.”.

(4) After Form 67.5-E insert the form set out in Schedule 1 to this Act of Sederunt.

(5) The Form presently headed “Form 67.12” shall instead be headed “Form 67.12-A”; and after that form insert the form set out in Schedule 2 to this Act of Sederunt.

(6) In Form 67.22 (form of petition for adoption order or an order under section 49(1) of the Act of 1978)–

(a) for paragraph 8, substitute–

“8. That the child–

- (a) is male [*or female*];
- (b) is unmarried;
- (c) is a child of (*name of mother*) [*and name of father, if known*];
- (d) is of British [*or*] nationality;
- (e) is years of age, having been born on the day of at in (*local government area*) [*or at* in (*country or territory outwith United Kingdom*)];
- (f) has had his home with the petitioner since (*day, month and year*);
- (g) has the following guardian[s], namely (*name[s] and address[es]*);]
- (h) has the following judicial factor, namely (*name and address*);] and
- (i) is entitled to the following property, namely, .”;

(b) in paragraph 10–

- (i) for the words “rights and duties” in both places where they occur, substitute “responsibilities and parental rights”; and
- (ii) for the words “vested in” substitute “transferred to”;

(c) in paragraph 11, for the words “rights and duties of a parent or guardian [*or the parental rights and duties*]” substitute “parental responsibilities and parental rights”; and

(d) in the prayer, for the words “vesting in the petitioner the parental rights and duties” substitute “transferring to the petitioner the parental responsibilities and parental rights”.