

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made in consequence of the Adoption and Children (Scotland) Act 2007 (“the 2007 Act”). The 2007 Act repeals and replaces the Adoption (Scotland) Act 1978 (“the 1978 Act”) with the exception of Part IV of that Act which concerns the status of adopted children.

Section 30 of the Human Fertilisation and Embryology Act 1990 allows a court to make a parental order in respect of a child who is born as the result of surrogacy but who is genetically related to at least one of the applicants for the order, who must be a married couple. The effect of the order is that the child will be treated in law as the child of the applicants. Section 30(9) of that Act enables regulations to provide that any provision of the 1978 Act, has effect with or without modifications, in relation to parental orders, or applications for such orders, as it has effect in relation to adoption and applications for adoption orders.

The Parental Orders (Human Fertilisation and Embryology) (Scotland) Regulations 1994 apply, with modifications, provisions of the 1978 Act to parental orders and applications for parental orders.

This Order saves the provisions of the 1978 Act for any of the purposes of subsections (9) and (10) of section 30 of the Human Fertilisation and Embryology Act 1990.