



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 4

GENERAL

114 Rules of procedure

- (1) Provision may be made by rules of court in respect of any matter to be prescribed by rules made by virtue of this Act and dealing generally with all matters of procedure.
- (2) In the case of an application for an adoption order, the rules must require—
 - (a) any person mentioned in subsection (3) to be notified of the matters mentioned in subsection (4), and
 - (b) the person mentioned in subsection (5) (if he can be found) to be notified of the matters mentioned in paragraphs (a) and (b) of subsection (4).
- (3) Those persons are—
 - (a) every person who can be found and whose consent to the making of the order is required to be given or dispensed with under this Act or, if no such person can be found, any relative prescribed by rules who can be found,
 - (b) every person who has consented to the making of the order under section 20 of the 2002 Act (and has not withdrawn the consent) unless the person has given a notice under subsection (4)(a) of that section which has effect,
 - (c) every person who, if leave were given under section 31(12), would be entitled to oppose the making of the order.
- (4) Those matters are—
 - (a) that the application has been made,
 - (b) the date on which, and place where, the application will be heard,
 - (c) the fact that the person is entitled to be heard on the application, and
 - (d) the fact that, unless the person wishes, or the court requires, the person need not attend the hearing.

Changes to legislation: Adoption and Children (Scotland) Act 2007, Section 114 is up to date with all changes known to be in force on or before 21 May 2024. 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

- (5) The person is the father of the child to be adopted if he does not have, and has never had, parental responsibilities or parental rights in relation to the child.
- (6) In the case of an application under section 59, rules of court must require every person who can be found, and whose consent to the making of the order would be required if the application were for an adoption order (other than a Convention adoption order) to be notified of the matters mentioned in subsection (4).

Modifications etc. (not altering text)

- C1** S. 114(1)-(4) applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 4, **Sch. 3**
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Commencement Information

- I1** S. 114 in force at 20.4.2009 for specified purposes by [S.S.I. 2009/147](#), art. 2, **Sch.**
- I2** S. 114 in force at 28.9.2009 in so far as not already in force 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)

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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\(3\)\(c\)](#)