

Changes to legislation: Human Fertilisation and Embryology Act 2008, Paragraph 51 is up to date with all changes known to be in force on or before 31 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

SCHEDULES

SCHEDULE 6

AMENDMENTS RELATING TO PARENTHOOD IN CASES INVOLVING ASSISTED REPRODUCTION

PART 2

ENACTMENTS RELATING ONLY TO SCOTLAND

Children (Scotland) Act 1995 (c. 36)

51 After section 4 of the Children (Scotland) Act 1995 insert—

“4A Acquisition of parental responsibilities and parental rights by second female parent by agreement with mother

(1) Where—

- (a) a child's mother has not been deprived of some or all of the parental responsibilities and parental rights in relation to the child; and
- (b) the child has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 and that parent is not registered as such under any of the enactments mentioned in section 3(3A),

the mother and the other parent may by agreement provide that, as from the appropriate date, the other parent shall have the parental responsibilities and rights (in the absence of any order under section 11 of this Act affecting responsibilities and rights) as if the other parent were treated as a parent by virtue of section 42 of that Act of 2008.

(2) Section 4(2), (3) and (4) applies in relation to an agreement under subsection (1) of this section as it applies in relation to an agreement under subsection (1) of section 4.”

Commencement Information

II Sch. 6 para. 51 wholly in force at 1.9.2009; Sch. 6 para. 51 not in force at Royal Assent see s. 68; Sch. 6 para. 51 in force for certain purposes at 6.4.2009 and at 1.9.2009 otherwise by S.I. 2009/479, art. 6(1)(e){(2)} (with Sch.) (as amended (1.9.2009) by S.I. 2009/2232, art. 3)

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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. 55(3)(e) and word inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 75\(b\)](#)