
STATUTORY INSTRUMENTS

1996 No. 2549 (S.198)

CHILDREN AND YOUNG PERSONS

The Parental Responsibilities and Parental Rights Agreement (Scotland) Regulations 1996

<i>Made</i>	- - - -	<i>6th October 1996</i>
<i>Laid before Parliament</i>		<i>11th October 1996</i>
<i>Coming into force</i>	- -	<i>1st November 1996</i>

The Secretary of State in exercise of the powers conferred on him by section 4(2) and section 103(2) of the Children (Scotland) Act 1995(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Parental Responsibilities and Parental Rights Agreement (Scotland) Regulations 1996 and shall come into force on 1st November 1996.

Form of parental responsibilities and parental rights agreement

2. The agreement between the mother and father of a child under section 4(1) of the Children (Scotland) Act 1995 (the acquisition of parental rights and parental responsibilities by that child's natural father) shall be in the form set out in the Schedule to these Regulations or in a form substantially to the like effect.

St Andrew's House,
Edinburgh
6th October 1996

James Douglas-Hamilton
Minister of State, Scottish Office

(1) 1995 c. 36; section 103(2) contains a definition of "prescribed" relevant to the exercise of the statutory powers under which these Regulations are made.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 2

PARENTAL RESPONSIBILITIES AND PARENTAL RIGHTS AGREEMENT UNDER SECTION 4(1) OF THE CHILDREN (SCOTLAND) ACT 1995

IMPORTANT

Making this agreement will affect the legal position of the mother and father. Read the following information and the notes very carefully before you make the agreement.

You are strongly recommended to seek advice before you make the agreement from, for example, a Citizen's Advice Bureau, a law centre or a solicitor. They can also help you if you have any problems making the agreement. If you need a solicitor's advice you may be eligible for legal aid.

This agreement will give the father of a child parental responsibilities and parental rights in relation to the child where he does not already have them. The mother of the child will continue to have parental responsibilities and parental rights in relation to the child.

The mother of a child always has parental responsibilities and parental rights in relation to the child, unless she has been deprived of them by a court order. However a father of a child only has parental responsibilities and parental rights in relation to a child if

- (a) he is married to the child's mother at the time of the child's conception or subsequently;*
- (b) he is given parental responsibilities and parental rights by a court order under section 11 of the Children (Scotland) Act 1995 ("the Act"); or*
- (c) he is given parental responsibilities and parental rights by this agreement.*

In deciding whether or not to enter into this agreement the mother should consider whether, in doing so, she would be fulfilling her parental responsibilities towards the child and, in particular, her responsibility in section 1(1)(a) of the Act—

“(a) to safeguard and promote the child's health, development and welfare ... but only insofar as compliance with this section is practicable and in the interests of the child.”

Furthermore, in terms of section 6 of the Act, the mother should—

“have regard so far as practicable to the views (if he wishes to express them) of the child concerned, taking account of the child's age and maturity, and to those of any other person who has parental responsibilities or parental rights in relation to the child (and wishes to express those views); and a child twelve years of age or more shall be presumed to be of sufficient age and maturity to form a view.”

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See note 1

1. This is an agreement between

(a) the child's mother

Name

Address

.....

.....

and

(b) the child's father

Name

Address

.....

.....

See note 2

(c) regarding the child

Name

Boy or Girl

Date of Birth

See note 3

2. We agree that, as from the date, specified in paragraph 3 below, the child's father shall have the parental responsibilities and parental rights in relation to the child named above which he would have if married to the mother

3. The date specified is the date when this agreement is registered in the Books of Council and Session, unless on that date the mother no longer has the parental responsibilities and parental rights which she had when the agreement was made.

See note 4

4. We agree to the registration of this agreement for preservation in the Books of Council and Session and we each request an extract.

See notes 5-8

Signed (Mother)

Signed (Father)

.....

.....

Date

Date

.....

.....

Place

Place

.....

.....

in the presence of

in the presence of

.....

.....

(Signature of Witness)

(Signature of Witness)

Full name of Witness

Full name of Witness

.....

.....

Address

Address

.....

.....

.....

.....

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NOTES ABOUT THE PARENTAL RESPONSIBILITIES AND PARENTAL RIGHTS AGREEMENT

Who can make the agreement

1. This agreement can only be made if
 - (a) the mother has not been deprived of any of her parental responsibilities and parental rights in relation to the child;
 - (b) the father does not have any parental responsibilities or rights in relation to the child because he was not married to the child's mother at the time of the child's conception or subsequently.

The child

2. Put the name of one child only on the agreement. If the father is to have parental responsibilities and rights in relation to more than one child, you should make a separate agreement for each child.

When the agreement has effect

3. This agreement only has effect if
 - (a) it is in the form prescribed by the Secretary of State, and
 - (b) it is registered in the Books of Council and Session while the mother still has the parental responsibilities and parental rights which she had when the agreement was made.

Signing the agreement

4. In signing this agreement, you are also consenting to its registration in the books of Council and Session where it is then preserved.

5. The child's mother and the child's father must each sign the agreement, where indicated, in the presence of one witness who must be aged 16 or over. It is not necessary that the witness should be made aware of the contents of the agreement. The same person can witness both signatures.

6. After the agreement has been signed and witnessed, the agreement should be sent to
The Keeper of the Registers of Scotland
Books of Council and Session
Meadowbank House
153 London Road
Edinburgh, EH8 7AU

You must also enclose the fee to cover the cost of registration and the sending of an extract of the agreement to you at the addresses you have given on the form. You can find out the fee by telephoning the Registers of Scotland on 0131 659-6111. Cheques or postal orders should be made out to the Registers of Scotland and crossed.

Ending the Agreement

7. When an agreement has been made and has effect, it cannot be revoked by either the child's mother or the child's father but it can be brought to an end by a court order under section 11 of the Act. The court can also make an order under section 11 depriving a person of some or all of his parental responsibilities or parental rights.

Contact Details

8. In case the Keeper of the Registers of Scotland needs to contact you about the agreement, you may wish to say who you would like him to contact:–

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Mother
Daytime telephone number
.....

Father
Daytime telephone number
.....

Please tick one

or
Other
Name
.....
Daytime telephone number
.....

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form for the agreement between the father and mother of a child regarding the acquisition of parental responsibilities and parental rights by that child's natural father.