

Adoption and Children (Scotland) Act 2007 2007 asp 4

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

PART 1

ADOPTION

CHAPTER 1

THE ADOPTION SERVICE

The adoption service

- 1 Duty of local authority to provide adoption service
- 2 Carrying out of duties imposed by section 1
- 3 Adoption service: regulations
- 4 Local authority plans
- 5 Guidance
- 6 Assistance in carrying out functions under section 1
- 7 Meaning of "adoption service" in Regulation of Care (Scotland) Act 2001
- 8 Adoption agencies: regulations about carrying out of functions

Adoption support services

- 9 Assessment of needs for adoption support services
- 10 Provision of services
- 11 Urgent provision
- 12 Power to provide payment to person entitled to adoption support service

Regulations

13 Regulations

or before 21 April 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

CHAPTER 1A

SCOTLAND'S ADOPTION REGISTER

- 13A Scotland's Adoption Register
- 13B Registration organisation
- 13C Supply of information for the Register
- 13D Disclosure of information
- 13E Fees and other payments
- 13F Use of an organisation as agency for payments
- 13G Supplementary

CHAPTER 2

THE ADOPTION PROCESS

Preliminary

14 Considerations applying to the exercise of powers

Pre-adoption requirements

- 15 Child to live with adopters before adoption order made
- 16 Home visits
- 17 Reports where child placed by agency
- 18 Notification to local authority of adoption application
- 19 Notice under section 18: local authority's duties

Restrictions on removal of children placed for adoption

- 20 Restrictions on removal: child placed for adoption with consent
- 21 Restrictions on removal: notice of intention to adopt given
- 22 Restrictions on removal: application for adoption order pending
- 23 Restrictions on removal of child looked after by local authority

Return of children

- 24 Return of child removed in breach of certain provisions
- 25 Return of child placed for adoption by adoption agency

Adoption not proceeding: arrangements

26 Looked after children: adoption not proceeding

Contravention of sections 30 to 36 of 2002 Act

27 Contravention of sections 30 to 36 of 2002 Act

The making of adoption orders

- 28 Adoption orders
- 29 Adoption by certain couples
- 30 Adoption by one person
- 31 Parental etc. consent
- 32 Consent of child aged 12 or over
- 33 Restrictions on making orders

34 Contravention of section 72 no bar to making order

Effect of order on existing rights etc.

35 Effect of order on existing rights etc.

Revocation of supervision requirement

36 Revocation of compulsory supervision order on making of adoption order

Adoption records

- 37 Information to be kept about adoptions
- 38 Disclosure of information kept under relevant enactment

CHAPTER 3

STATUS OF ADOPTED CHILDREN

- 39 Meaning of "adoption" in Chapter 3
- 40 Status conferred by adoption
- 41 Miscellaneous enactments
- 42 Pensions
- 43 Insurance
- 44 Succession and inter vivos deeds

CHAPTER 4

ADOPTION SUPPORT PLANS

Adoption support plans

- 45 Adoption support plans
- 46 Duration
- 47 Family member's right to require review of plan
- 48 Other cases where authority under duty to review plan

Reassessment

49 Reassessment of needs for adoption support services

Directions

50 Implementation of plans: directions

Guidance

51 Guidance

Regulations

52 Regulations about reviews of adoption support plans

CHAPTER 5

REGISTRATION

- 53 Adopted Children Register and index
- 54 Searches and extracts
- 55 Connections between the register and birth records
- 56 Admissibility of extracts as evidence
- 57 Interpretation of Chapter 5

CHAPTER 6

ADOPTIONS WITH A FOREIGN ELEMENT

Restrictions on movement of children

- 58 Restriction on bringing children into the United Kingdom
- 59 Preliminary order where child to be adopted abroad
- 60 Restriction on removal of children for adoption outwith Great Britain
- 61 Regulations under section 58: offences

Adoptions from abroad: special restrictions

- 62 Declaration of special restrictions on adoptions from abroad
- 63 Review
- 64 The special restrictions
- 65 Imposition of extra conditions in certain cases

Charging

66 Power to charge

Overseas adoptions etc.

- 67 Meaning of "overseas adoption"
- 68 Annulment and recognition
- 69 Section 68: supplementary provision
- 70 Effect of determinations and orders made outwith Scotland

CHAPTER 7

MISCELLANEOUS

Adoption allowances

71 Adoption allowances schemes

Prohibited payments

- 72 Prohibition of certain payments
- 73 Excepted payments

Disclosure of medical information about parents

74 Disclosure of medical information about parents

Restrictions on arranging adoptions and placing for adoption

appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 75 Restriction on arranging adoptions and placing children
- 76 Adoption societies which are not registered adoption services

Effect of orders, and placing for adoption, under 2002 Act

- 77 Effect of certain orders made in England and Wales
- 78 Effect of placing for adoption etc. under 2002 Act
- 79 Further consequences of placement and placement orders

PART 2

PERMANENCE ORDERS

The making of permanence orders

- 80 Permanence orders
- 81 Permanence orders: mandatory provision
- 82 Permanence orders: ancillary provisions
- 83 Order granting authority for adoption: conditions
- 84 Conditions and considerations applicable to making of order
- 85 Child in respect of whom order may be made
- 86 Representations

Effect of order

- 87 Effect of order on existing parental right
- 88 Effect of order on existing orders

Revocation of supervision requirement

89 Revocation of compulsory supervision order on making of permanence order

Precedence

90 Precedence of certain other orders

Exercise of parental right under order

91 Exercise of parental right under order

Variation

- 92 Variation of ancillary provisions in order
- Amendment of order to grant authority for child to be adopted
- 94 Proceedings

Orders and supervision requirements

- 95 Duty of children's hearing to prepare report for court
- 96 Application: effect on compulsory supervision order
- 97 Interim orders and revocation of compulsory supervision order

Revocation and variation

- 98 Revocation
- 99 Duty of local authority to apply for variation or revocation

100 Revocation: order under section 11 of 1995 Act

Notification requirements

101 Local authority to give notice of certain matters

Effect of subsequent adoption order on permanence order

102 Effect of subsequent adoption order on permanence order

Restriction on making certain orders under 1995 Act

103 Restriction on making of orders under section 11 of 1995 Act

Rules of procedure

104 Permanence orders: rules of procedure

PART 3

MISCELLANEOUS

Provisions applicable to adoption orders and permanence orders

- 105 Notification of proposed application for order
- 106 Child subject to compulsory supervision order: duty to refer to Principal Reporter
- 107 Making of adoption order no longer to be bar to making of contact order
- 108 Rules: appointment of curators ad litem and reporting officers
- 109 Proceedings to be in private

Care allowances: regulations

110 Allowances for care of certain children: regulations

Evidence and notices

- 111 Evidence of consent
- 112 Service of notices etc.
- 113 Admissibility of certain documents as evidence

PART 4

GENERAL

- 114 Rules of procedure
- 115 Offences by bodies corporate and partnerships
- 116 Ancillary provision
- 117 Orders and regulations
- 118 Meaning of "appropriate court"
- 119 Interpretation
- 120 Minor and consequential amendments and repeals
- 121 Short title and commencement

SCHEDULE 1 — Registration of adoptions

Registration of adoption orders

- 1 (1) Every adoption order must contain a direction to the...
- 2 (1) Sub-paragraph (2) applies where— (a) on an application to...
- 3 Where an adoption order is made in respect of a...
- 4 (1) Where an adoption order is made, the clerk of...

Registration of adoptions in other parts of the British Islands

5 (1) Sub-paragraphs (2) and (3) apply where the Registrar General...

Registration of other adoptions

6 (1) If the Registrar General is satisfied, on an application...

Amendment of orders and rectification of registers

7 (1) The court by which an adoption order has been...

Marking of entries on re-registration of birth

8 Without prejudice to any other provision of this Act, where-...

SCHEDULE 2 — Minor and consequential amendments

Succession (Scotland) Act 1964 (c. 41)

1 (1) The Succession (Scotland) Act 1964 is amended as follows....

Social Work (Scotland) Act 1968 (c. 49)

2 (1) The Social Work (Scotland) Act 1968 is amended as...

Foster Children (Scotland) Act 1984 (c. 56)

3 In subsection (5)(a) of section 2 of the Foster Children...

Child Abduction and Custody Act 1985 (c. 60)

4 In paragraph 5 of Schedule 3 to the Child Abduction...

Family Law Act 1986 (c. 55)

5 In subsection (1)(b) of section 1 of the Family Law...

Human Fertilisation and Embryology Act 1990 (c. 37)

6 In subsection (10) of section 30 of the Human Fertilisation...

Child Support Act 1991 (c. 48)

7 In subsection (3) of section 26 of the Child Support...

Civil Evidence (Family Mediation) (Scotland) Act 1995 (c. 6)

8 In sub-paragraph (iii) of section 2(1)(d) of the Civil Evidence...

Children (Scotland) Act 1995 (c. 36)

9 (1) The Children (Scotland) Act 1995 is amended as follows....

Adoption (Intercountry Aspects) Act 1999 (c. 18)

10 In section 1 of the Adoption (Intercountry Aspects) Act 1999...

Regulation of Care (Scotland) Act 2001 (asp 8)

11 (1) The Regulation of Care (Scotland) Act 2001 is amended...

Adoption and Children Act 2002 (c. 38)

12 In paragraph (a) of subsection (3) of section 123 of...

Income Tax (Trading and Other Income) Act 2005 (c. 5)

13 In section 745 of the Income Tax (Trading and Other...

Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Act 2006 (asp 3)

14 In subsection (2) of section 7 of the Joint Inspection...

SCHEDULE 3 — Repeals

Changes to legislation:

Adoption and Children (Scotland) Act 2007 is up to date with all changes known to be in force on or before 21 April 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. View outstanding changes

Changes and effects yet to be applied to :

- s. 14(1) word substituted by 2020 asp 16 s. 2(2)(a)
- s. 14(4)(b) repealed by 2020 asp 16 s. 2(2)(b)
- s. 14(6) word substituted by 2020 asp 16 s. 2(2)(d)
- s. 14(8) repealed by 2020 asp 16 s. 2(2)(e)
- s. 84(5)(a) substituted by 2020 asp 16 s. 2(3)(a)
- s. 84(5)(b)(i) substituted by 2020 asp 16 s. 2(3)(b)
- s. 84(6) revoked by 2020 asp 16 s. 2(3)(d)

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)