

EXPLANATORY NOTES

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

INTRODUCTION

THE ACT

PART 1 – ADOPTION

PART 2 – PERMANENCE ORDERS

PART 3 – MISCELLANEOUS

PART 4 – GENERAL

COMMENTARY ON SECTIONS

Chapter 1 The Adoption Service

Section 1 - Duty of local authority to provide adoption service

Section 2 - Carrying out of duties imposed by section 1

Section 4 - Local authority plans

Section 5 - Guidance

Section 6 - Assistance in carrying out functions under sections 1 and 4

Section 7 - Meaning of “adoption service” in Regulation of Care (Scotland) Act 2001

Section 8 - Adoption agencies: regulations about carrying out of functions

Section 9 - Assessment of needs for adoption support services

Section 10 - Provision of services

Section 11 - Urgent provision

Section 12 - Power to provide payment to person entitled to adoption support service

Section 13 -- Regulations

Chapter 2 The Adoption Process

Section 14 - Considerations applying to the exercise of powers

These notes relate to the Adoption and Children (Scotland) Act 2007 (asp 4)

Section 15 - Child to live with adopters before adoption order made

Section 16 - Home visits

Section 17 - Reports where child placed by agency

Section 18 - Notification to local authority of adoption application

Section 19 - Notice under section 18: local authority's duties

Section 20 - Restrictions on removal: child placed for adoption with consent

Section 21 - Restrictions on removal: notice of intention to adopt given

Section 22 - Restrictions on removal: application for adoption order pending

Section 23 - Restrictions on removal of child looked after by local authority

Section 24 - Return of child removed in breach of certain provisions

Section 25 - Return of child placed for adoption by adoption agency

Section 26 - Looked after children: adoption not proceeding

Section 27 - Contravention of sections 30 to 36 of the 2002 Act

Section 28 - Adoption orders

Section 29 - Adoption by certain couples

Section 30 - Adoption by one person

Section 31 - Parental etc. consent

Section 32 - Consent of child aged 12 or over

Section 33 - Restrictions on making orders

Section 34 - Contravention of section 72 no bar to making order

.

Section 36 - Revocation of supervision requirement

Section 37 - Information to be kept about adoptions

Section 38 - Disclosure of information kept under relevant enactment

Chapter 3 Status of Adopted Children

Section 39 - Meaning of "adoption" in Chapter 3

Section 40 - Status conferred by adoption

Section 41 - Miscellaneous enactments

Section 42 - Pensions

Section 43 - Insurance

Section 44 - Succession and inter vivos deeds

Chapter 4 Adoption Support Plans

Section 45 - Adoption support plans

Section 46 - Duration

Section 47 - Family member's right to require review of plan

Section 48 - Other cases where authority under duty to review plan

Section 49 - Reassessment of needs for adoption support services

Section 50 - Implementation of plans: directions

(a) Section 51 - Guidance

Section 52 - Regulations about reviews of adoption support plans

Chapter 5 Registration

Section 53 - Adopted Children Register and index

Section 54 - Searches and extracts

Section 55 - Connections between the register and birth records

Section 56 - Admissibility of extracts as evidence

Section 57 - Interpretation of Chapter

Chapter 6 Adoptions With a Foreign Element

Section 58 - Restriction on bringing children into the United Kingdom

Section 59 - Preliminary order where child to be adopted abroad

Section 60 - Restriction on removal of children for adoption outwith Great Britain

Section 61 - Regulations under section 58: offences

Section 62 - Declaration of special restrictions on adoptions from abroad

Section 63 - Review

Section 64 - The special restrictions

Section 65 - Imposition of extra conditions in certain cases

Section 66 - Power to charge

Section 67 - Meaning of "overseas adoption"

Section 68 - Annulment and recognition

These notes relate to the Adoption and Children (Scotland) Act 2007 (asp 4)

Section 69 - Section 68: supplementary provision

Section 70 - Effect of determinations and orders made outwith Scotland

Chapter 7 Miscellaneous

Section 71 - Adoption allowances schemes

Section 72 - Prohibition of certain payments

Section 73 - Excepted payments

Section 74 - Disclosure of medical information about parents of child

Section 75 - Restriction on arranging adoptions and placing children

Section 76 - Adoption societies which are not registered adoption services

Section 77 - Effect of certain orders made in England and Wales

Section 78 - Effect of placing for adoption etc. under 2002 Act

Section 79 - Further consequences of placement and placement orders

PART 2 PERMANENCE ORDERS

Section 80 - Permanence orders

Section 81 - Permanence orders: mandatory provision

Section 82 - Permanence orders: ancillary provisions

Section 83 - Order granting authority for adoption: conditions

Section 84 - Conditions and considerations applicable to making of order

Section 85 - Child in respect of whom order may be made

Section 86 - Representations

Section 87 - Effect of order on existing parental right

Section 88 - Effect of order on existing orders

Section 89 - Revocation of supervision requirement

Section 90 - Precedence of court orders and supervision requirements over order

Section 91 - Exercise of parental right under order

Section 92 - Variation of ancillary provisions in order

Section 93 - Amendment of order to grant authority for child to be adopted

Section 94 - Proceedings

Section 95 - Duty of children's hearing to prepare report for court

These notes relate to the Adoption and Children (Scotland) Act 2007 (asp 4)

Section 96 - Application: effect on supervision requirement

Section 97 - Interim orders and revocation of supervision requirement

Section 98 - Revocation

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

Section 100 - Revocation: order under section 11 of 1995 Act

Section 101 - Local authority to give notice of certain matters

Section 102 - Effect of subsequent adoption order on permanence order

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

Section 104 - Permanence orders: rules of procedure

PART 3 MISCELLANEOUS

Section 105 - Notification of proposed application for order

Section 106 - Child subject to supervision requirement: duty to refer to Principal Reporter

Section 107 - Making of adoption order no longer to be bar to making of contact order

Section 108 - Rules: appointment of curators and reporting officers

Section 109 - Proceedings to be in private

Section 110 - Allowances for care of certain children: regulations

Section 111 - Evidence of consent

Section 113 - Admissibility of certain documents as evidence

PART 4 GENERAL

Section 114 - Rules of procedure

Section 115 - Offences by bodies corporate and partnerships

Section 116 - Ancillary provisions

Section 117 - Orders and regulations

Section 118 - Meaning of "appropriate court"

Section 119 - Interpretation

Section 120 - Minor and consequential amendments and repeals

Section 121 - Short title and commencement

Schedule 1: Registration of adoptions

These notes relate to the Adoption and Children (Scotland) Act 2007 (asp 4)

Registration of adoption orders

Registration of adoptions in England, Northern Ireland, the Isle of Man and the Channel Islands

Registration of other adoptions

Amendment of orders and rectification of registers

Marking of entries on re-registration of birth

(b) Schedule 2: Minor and consequential amendments

Schedule 3: Repeals

PARLIAMENTARY HISTORY