

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 6

Adoptions With a Foreign Element

Section 59 - Preliminary order where child to be adopted abroad

213. By virtue of subsection (1), on receiving an application from prospective adopters who intend to adopt a child under the law of a country or territory outwith the British Islands, a court may make an order vesting parental responsibilities and parental rights in relation to the child in those prospective adopters.
214. By virtue of subsection (2), if the prospective adopters meet the domicile or habitual residence requirements for an adoption order in Scotland, an order cannot be made under this section.
215. Under subsection (3), no order under this section may be made unless any requirements prescribed by the Scottish Ministers are satisfied.
216. Under subsection (4), an application for an order under this section cannot be made unless the child has lived with the prospective adopters for the whole of the 10 week period immediately preceding the application.
217. Subsection (5) provides that section 35 of the Act (effect of order on existing rights etc.) has effect in relation to an order under this section as it does in relation to adoption orders.
218. Subsection (6) gives the Scottish Ministers the power to make regulations by which any provision of this Act relating to adoption orders relate to orders under this section.