

Changes to legislation: Adoption and Children (Scotland) Act 2007, Cross Heading: Registration of adoption orders is up to date with all changes known to be in force on or before 13 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

SCHEDULE 1 REGISTRATION OF ADOPTIONS

Registration of adoption orders

- 1 (1) Every adoption order must contain a direction to the Registrar General to make in the Adopted Children Register an entry in the form prescribed by regulations made by the Registrar General with the approval of the Scottish Ministers.
- (2) For the purposes of compliance with the requirements of sub-paragraph (1)—
- (a) where the precise date of the child's birth is not proved to the satisfaction of the court—
 - (i) the court is to determine the probable date of the child's birth, and
 - (ii) the date so determined is to be specified in the adoption order as the date of the child's birth,
 - (b) where the country of birth of the child is not proved to the satisfaction of the court—
 - (i) if it appears probable that the child was born in a part of the British Islands, the child is to be treated as having been born in Scotland,
 - (ii) in any other case, the particulars of the country of birth may be omitted from the adoption order and from the entry in the Adopted Children Register,
 - (c) where—
 - (i) the application for the adoption order specifies a name (or names) and surname as being those of the child, that name (or those names) and surname are to be recorded in the adoption order as the name (or names) and surname of the child,
 - (ii) no name (or names) or surname is so specified, the original name (or names) of the child and the surname of the applicant are to be recorded in the adoption order as the name (or names) and surname of the child.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-4 applied in part (with modifications) (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(5)**
- C2** Sch. 1 para. 1 applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 4, **Sch. 3**

Commencement Information

- I1** Sch. 1 para. 1(1) in force at 20.4.2009 for specified purposes by [S.S.I. 2009/147](#), art. 2, **Sch.**
- I2** Sch. 1 para. 1(1) in force at 28.9.2009 in so far as not already in force by [S.S.I. 2009/267](#), **arts. 1(2), 2** (with **arts. 3-21**) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)
- I3** Sch. 1 para. 1(2) in force at 28.9.2009 by [S.S.I. 2009/267](#), **arts. 1(2), 2** (with **arts. 3-21**) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

- 2 (1) Sub-paragraph (2) applies where—
- (a) on an application to the appropriate court for an adoption order in respect of a child, the identity of the child with a child to whom an entry in the register of births relates is proved to the satisfaction of the court, and

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(b) the child has not previously been the subject of an adoption order made by a court in Scotland under this Act or any enactment at the time in force.

(2) Any adoption order made in pursuance of the application must contain a direction to the Registrar General to secure that the entry in the register of births is marked with the word “Adopted”.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-4 applied in part (with modifications) (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(5)**
- C3** Sch. 1 para. 2 applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 4, **Sch. 3**

Commencement Information

- I4** Sch. 1 para. 2 in force at 28.9.2009 by [S.S.I. 2009/267](#), **arts. 1(2)**, 2 (with **arts. 3-21**) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

3 Where an adoption order is made in respect of a child who has previously been the subject of an adoption order made by a court in Scotland under this Act or any enactment at the time in force, the order must contain a direction to the Registrar General to secure that the previous entry in the Adopted Children Register is marked with the word “Re-adopted”.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-4 applied in part (with modifications) (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(5)**

Commencement Information

- I5** [Sch. 1 para. 3](#) in force at 28.9.2009 by [S.S.I. 2009/267](#), **arts. 1(2)**, 2 (with **arts. 3-21**) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

4 (1) Where an adoption order is made, the clerk of the court which made the order must secure that the order is communicated to the Registrar General.

(2) As soon as is reasonably practicable after receipt of the communication, the Registrar General must secure that the direction contained in the order is complied with.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-4 applied in part (with modifications) (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(5)**
- C4** Sch. 1 para. 4 applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 4, **Sch. 3**

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- I6** Sch. 1 para. 4 in force at 28.9.2009 by [S.S.I. 2009/267](#), **arts. 1(2)**, 2 (with **arts. 3-21**) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

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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. 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\(3\)\(c\)](#)