

Changes to legislation: Adoption and Children (Scotland) Act 2007, SCHEDULE 2 is up to date with all changes known to be in force on or before 19 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 2

(introduced by section 120(1))

MINOR AND CONSEQUENTIAL AMENDMENTS

Succession (Scotland) Act 1964 (c. 41)

- 1 (1) The Succession (Scotland) Act 1964 is amended as follows.
- (2) In section 23 (treatment of adopted person for purposes of succession etc.)—
 - (a) in subsection (3), after “1978” insert “ or in the Adoption and Children (Scotland) Act 2007 (asp 4) ”, and
 - (b) in subsection (5)—
 - (i) the words from “has” to “this Act)” become paragraph (a) of that subsection, and
 - (ii) after that paragraph, insert “; and
 - (b) includes an adoption order within the meaning of section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4);”.
- (3) In subsection (1) of section 37 (exclusion of certain matters from operation of Act), after “1978” insert “ or the Adoption and Children (Scotland) Act 2007 (asp 4) ”.

Commencement Information

- II** Sch. 2 para. 1 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)

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

- 2 (1) The Social Work (Scotland) Act 1968 is amended as follows.
- (2) In section 5 (powers of Scottish Ministers)—
 - (a) in subsection (1B), after paragraph (p) insert—

“(q) the Adoption and Children (Scotland) Act 2007 (asp 4).”
 - (b) in subsection (2)(c), for “and (p)” substitute “, (p) and (q)”, and
 - (c) in subsection (5), for the words from “has” to the end of the subsection substitute “ means a person who is under the age of 18. ”.
- (3) In subsection (1)(b) of section 6A (inquiries), for “section 65 of the Adoption (Scotland) Act 1978” substitute “ section 119(1) of the Adoption and Children (Scotland) Act 2007 (asp 4) ”.
- (4) In subsection (3A) of section 10 (assistance to voluntary organisations etc. for social work), after “adoption” insert “ support ”.

Commencement Information

- I2** Sch. 2 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)

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

- 3 In subsection (5)(a) of section 2 of the Foster Children (Scotland) Act 1984 (exceptions to section 1), for “section 1 of the Adoption (Scotland) Act 1978” substitute “ section 119(1) of the Adoption and Children (Scotland) Act 2007 (asp 4) ”.

Commencement Information

- I3** Sch. 2 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)

Child Abduction and Custody Act 1985 (c. 60)

- 4 In paragraph 5 of Schedule 3 to the Child Abduction and Custody Act 1985 (custody orders), after sub-paragraph (vi), insert—
- “(vii) an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4);
 - (viii) a permanence order (as defined in subsection (2) of section 80 of that Act) which includes provision such as is mentioned in paragraph (c) of that subsection.”.

Commencement Information

- I4** Sch. 2 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)

Family Law Act 1986 (c. 55)

- 5 In subsection (1)(b) of section 1 of the Family Law Act 1986 (orders to which Part 1 applies), after sub-paragraph (ix), insert—
- “(x) an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4);
 - (xi) a permanence order (as defined in subsection (2) of section 80 of that Act) which includes provision such as is mentioned in paragraph (c) of that subsection”.

Commencement Information

- I5** Sch. 2 para. 5 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)

Human Fertilisation and Embryology Act 1990 (c. 37)

- 6 In subsection (10) of section 30 of the Human Fertilisation and Embryology Act 1990 (parental orders in favour of gamete donors), after “1987” add “ and the Adoption and Children (Scotland) Act 2007 (asp 4) ”.

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- I6** Sch. 2 para. 6 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)

Child Support Act 1991 (c. 48)

- 7 In subsection (3) of section 26 of the Child Support Act 1991 (disputes about parentage), after “1978” insert “ or Chapter 3 of Part 1 of the Adoption and Children (Scotland) Act 2007 (asp 4) ”.

Commencement Information

- I7** Sch. 2 para. 7 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)

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

- 8 In sub-paragraph (iii) of section 2(1)(d) of the Civil Evidence (Family Mediation) (Scotland) Act 1995 (exceptions to general rule of inadmissibility), for the words from “an” to the end of the sub-paragraph substitute “ the making of an adoption order (as defined in section 29(1) of the Adoption and Children (Scotland) Act 2007 (asp 4) ”.

Commencement Information

- I8** Sch. 2 para. 8 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)

Children (Scotland) Act 1995 (c. 36)

- 9 (1) The Children (Scotland) Act 1995 is amended as follows.
- (2) In section 11 (court orders relating to parental responsibilities etc.)—
- (a) in subsection (4)—
 - (i) for “(3)(a)(iii)” substitute “ (3)(ab) ”, and
 - (ii) after paragraph (a) insert “ or ”,
 - (b) in subsection (5), after “(3)(a)” insert “ and (ab) ”, and
 - (c) in subsection (6), for the words from “have” to the end substitute “ has the meaning given by section 119 of the Adoption and Children (Scotland) Act 2007 (asp 4) ”.
- (3) In subsection (1) of section 15 (interpretation of Part 1), in the definition of “parent”, after “30” insert “ and Chapter 3 of Part 1 of the Adoption and Children (Scotland) Act 2007 (asp 4) ”.
- (4) In subsection (6) of section 17 (duty of local authority to child looked after by authority)—
- (a) the word “or” after paragraph (c) is repealed, and
 - (b) after paragraph (d) add “; or

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- (e) in respect of whom a permanence order has, on an application by them under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4), been made and has not ceased to have effect.”
- (5) In section 44 (prohibition of publication of proceedings at children's hearing), at end insert—
- “(6) The requirements of subsection (1) do not apply in relation to the publication by or on behalf of a local authority or an adoption agency (within the meaning of the Adoption and Children (Scotland) Act 2007 (asp 4)) of information about a child for the purposes of making arrangements in relation to the child under this Act or that Act.”
- ^{F1}(6)
- ^{F1}(7)
- ^{F1}(8)
- (9) In paragraph (a) of subsection (1) of section 101 (panel for curators *ad litem*, reporting officers and safeguarders), for “under section 58 of the Adoption (Scotland) Act 1978” substitute “ by virtue of section 108 of the Adoption and Children (Scotland) Act 2007 (asp 4) ”.
- (10) In paragraph 4 of Schedule 3 (transitional provisions and savings), for sub-paragraph (e) substitute—
- “(e) the making of an adoption order (as defined in section 28(1) of the Adoption and Children (Scotland) Act 2007 (asp 4)) in respect of the child;
- (f) the making of a permanence order (as defined in subsection (2) of section 80 of that Act) which includes provision such as is mentioned in paragraph (c) of that subsection in respect of the child.”.

Textual Amendments

F1 Sch. 2 para. 9(6)-(8) repealed (24.6.2013) by [The Children’s Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, [Sch. 2](#)

Commencement Information

I9 Sch. 2 para. 9(1)(5) in force at 7.4.2008 by [S.S.I. 2008/130](#), art. 2, [Sch.](#)

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

- 10 In section 1 of the Adoption (Intercountry Aspects) Act 1999 (regulations giving effect to the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption), after subsection (6) add—
- “(7) References in this section to enactments include references to Acts of the Scottish Parliament.”.

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Commencement Information

I10 Sch. 2 para. 10 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)

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

- 11 (1) The Regulation of Care (Scotland) Act 2001 is amended as follows.
- (2) In paragraph (a) of subsection (3) of section 21 (offences in relation to registration under Part 1), for “section 11 of the Adoption (Scotland) Act 1978 (c. 28)” substitute “section 75(1), (3) or (4) of the Adoption and Children (Scotland) Act 2007 (asp 4)”.
- (3) In paragraph (b) of subsection (6) of section 25 (inspections), at the end of the paragraph add “or section 8 or 37 of the Adoption and Children (Scotland) Act 2007 (asp 4)”.
- (4) In subsection (1) of section 77 (interpretation), in paragraph (a) of the definition of “child”, for “in section 65(1) of the Adoption (Scotland) Act 1978 (c. 28)” substitute “by section 119(1) of the Adoption and Children (Scotland) Act 2007 (asp 4)”.

Commencement Information

I11 Sch. 2 para. 11 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)

Adoption and Children Act 2002 (c. 38)

- 12 In paragraph (a) of subsection (3) of section 123 of the Adoption and Children Act 2002 (restriction on advertisements etc.), after “(N.I. 22)” insert “or section 60 or 75 of the Adoption and Children (Scotland) Act 2007 (asp 4)”.

Commencement Information

I12 Sch. 2 para. 12 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)

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

- 13 In section 745 of the Income Tax (Trading and Other Income) Act 2005—
- (a) in paragraph (a), for the words from “or”, where it first occurs, to “court)” substitute “which is an excepted payment by virtue of paragraph (a) or (c) of subsection (2) of section 73 of the Adoption and Children (Scotland) Act 2007 (asp 4), ”,
- (b) in paragraph (b), for the words from “under” to the end of the paragraph, substitute “which are excepted payments by virtue of paragraph (b) of that subsection, ”, and
- (c) in paragraph (d), for “section 51A” substitute “section 71 ”.

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I13 Sch. 2 para. 13 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)

*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 of Children's Services and Inspection of Social Work Services (Scotland) Act 2006 (interpretation), after paragraph (p) add—
 “(q) the Adoption and Children (Scotland) Act 2007 (asp 4);”.

Commencement Information

I14 Sch. 2 para. 14 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\(3\)\(c\)](#)