



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 1

ADOPTION

CHAPTER 1

THE ADOPTION SERVICE

Adoption support services

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

- (1) Subsection (2) applies where a local authority—
 - (a) has, in respect of a person, an obligation to provide, or secure the provision of, an adoption support service under this Part, or
 - (b) has a power so to provide and determines it should provide.
- (2) Subject to subsection (4), the authority may, after having regard to the matters mentioned in subsection (3), provide the person with a payment instead of the service.
- (3) Those matters are—
 - (a) the person's eligibility for assistance from any other body,
 - (b) where the person is so eligible, the availability to the person of that assistance at the time when the service might have been provided to the person by the authority,
 - (c) the ability of the authority to provide, or secure the provision of, the service, and
 - (d) the person's need for the service.
- (4) A payment under subsection (2) may be made subject to such conditions (including conditions as to repayment) as the authority considers reasonable.

Changes to legislation: Adoption and Children (Scotland) Act 2007, Section 12 is up to date with all changes known to be in force on or before 27 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](#)

(5) In imposing conditions under subsection (4), the authority must have regard to the person's eligibility for assistance from any other body.

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Commencement Information

II S. 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)

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[View outstanding changes](#)

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