



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 1

ADOPTION

CHAPTER 2

THE ADOPTION PROCESS

Restrictions on removal of children placed for adoption

21 Restrictions on removal: notice of intention to adopt given

- (1) Subsection (2) applies where—
- (a) persons (“prospective adopters”) give notice under section 18(2) in relation to a child, and
 - (b) during the period of 5 years immediately preceding the giving of notice, the child’s home has been with the prospective adopters.
- (2) Except where subsection (3) applies, a person may not remove the child from the care of the prospective adopters during the period beginning with the giving of notice and ending with the relevant act.
- (3) This subsection applies if—
- (a) the prospective adopters consent to the removal,
 - (b) a court having jurisdiction to make adoption orders grants leave for the removal,
 - (c) the child is arrested, or
 - (d) the removal is authorised by virtue of any enactment.
- (4) For the purposes of subsection (2), “relevant act” means—

Status: This is the original version (as it was originally enacted).

- (a) where before the expiry of the 3 month period the prospective adopters apply for an adoption order in relation to the child to whom the notice relates, the making of the application for the adoption order,
 - (b) where the prospective adopters do not apply for an adoption order before the expiry of that period, the expiry of that period.
- (5) In this section, “3 month period” means the period of 3 months beginning with the day on which the local authority receives the notice.
- (6) If during—
- (a) the 3 month period, or
 - (b) the period of 28 days beginning with the expiry of the 3 month period,
- the prospective adopters give a further notice under section 18(2) to a local authority in respect of the same child, subsection (2) does not apply.
- (7) A person who removes a child in contravention of this section commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 5 on the standard scale or both.