



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

22 Restrictions on removal: application for adoption order pending

- (1) Subsection (2) applies where—
- (a) an application for an adoption order in relation to a child has been made to, but not determined by, the appropriate court, and
 - (b) during the period of 5 years immediately preceding the making of the application, the child's home has been with the persons applying for the order (the "prospective adopters").
- (2) Except where subsection (3) applies, a person may not remove the child from the care of the prospective adopters.
- (3) This subsection applies if—
- (a) the prospective adopters consent to the removal,
 - (b) the court determining the application grants leave for the removal,
 - (c) the child is arrested, or
 - (d) the removal is authorised by virtue of any enactment.
- (4) 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.