



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 2

##### THE ADOPTION PROCESS

###### *The making of adoption orders*

### **30 Adoption by one person**

- (1) An adoption order may be made on the application of a person (“A”) if—
  - (a) A is aged 21 or over,
  - (b) subsection (2), (3), (4) or (5) applies,
  - (c) one of the conditions in subsection (6) is met, and
  - (d) where A is a natural parent of the child to be adopted, subsection (7) applies.
- (2) This subsection applies if A is not a member of a relevant couple.
- (3) This subsection applies if—
  - (a) A and another person (“B”) are a relevant couple,
  - (b) B is aged 18 or over,
  - (c) B is a parent of the child to be adopted, and
  - (d) B—
    - (i) is domiciled in a part of the British Islands, or
    - (ii) has been habitually resident in a part of the British Islands for a period of at least one year ending with the date of the application.
- (4) This subsection applies if—
  - (a) A and B are—

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- (i) married to each other, or
- (ii) civil partners of each other,
- (b) B is not a parent of the child to be adopted, and
- (c) the court is satisfied that—
  - (i) B cannot be found,
  - (ii) A and B have separated and are living apart and the separation is likely to be permanent, or
  - (iii) B is by reason of ill-health (whether physical or mental) incapable of making an application for an adoption order.
- (5) This subsection applies if—
  - (a) A and B are a relevant couple by virtue of being members of a couple falling within paragraph (c) or (d) of subsection (3) of section 29,
  - (b) B is not a parent of the child to be adopted, and
  - (c) the court is satisfied that B is by reason of ill-health (whether physical or mental) incapable of making an application for an adoption order.
- (6) Those conditions are—
  - (a) that A is domiciled in a part of the British Islands,
  - (b) that A has been habitually resident in a part of the British Islands for a period of at least one year ending with the date of the application.
- (7) This subsection applies if the court is satisfied that—
  - (a) the other natural parent is dead,
  - (b) the other natural parent cannot be found,
  - [<sup>F1</sup>(c) by virtue of the provisions specified in subsection (7A), there is no other parent, or]
  - (d) the exclusion of the other natural parent from the application for adoption is justified on some other ground.
- [<sup>F2</sup>(7A) The provisions referred to in subsection (7)(c) are—
  - (a) section 28 of the Human Fertilisation and Embryology Act 1990 (disregarding subsections (5A) to (5I) of that section), or
  - (b) sections 34 to 47 of the Human Fertilisation and Embryology Act 2008 (disregarding sections 39, 40 and 46 of that Act).]
- (8) In subsections (3)(c), (4)(b) and (5)(b), “parent” has the meaning given by section 29(4).

#### Textual Amendments

- F1** S. 30(7)(c) substituted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 56\(2\)](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F2** S. 30(7A) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 56\(3\)](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)

#### Modifications etc. (not altering text)

- C1** Pt. 1 Ch. 2 applied in part (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), [9\(1\)](#)

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**C2** S. 30 applied (with modifications) (28.9.2009) by [Adoptions with a Foreign Element \(Scotland\) Regulations 2009 \(S.S.I. 2009/182\)](#), regs. 1(1), **9(2)(c)**

**Commencement Information**

**I1** S. 30 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\(3\)\(c\)](#)