



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

## CHAPTER 2

### THE ADOPTION PROCESS

#### *Effect of order on existing rights etc.*

#### **35 Effect of order on existing rights etc.**

- (1) Where an adoption order is made on the application of a member of a relevant couple by virtue of subsection (3) of section 30, the making of the order—
  - (a) does not affect any parental responsibilities and parental rights which immediately before the making of the order were vested in the other member of the relevant couple,
  - (b) does not extinguish any duty owed to the child by that other member—
    - (i) to pay or provide aliment in respect of any period occurring after the making of the order,
    - (ii) to make any payment arising out of parental responsibilities and parental rights in respect of such a period.
- (2) Otherwise, the making of an adoption order—
  - (a) extinguishes any parental responsibilities and parental rights relating to the child which immediately before the making of the order were vested in any person,
  - (b) subject to subsection (3), extinguishes any duty owed to the child immediately before the making of the order—
    - (i) to pay or provide aliment in respect of any period occurring after the making of the order,

---

*Status: This is the original version (as it was originally enacted).*

---

- (ii) to make any payment arising out of parental responsibilities and parental rights in respect of such a period.
- (3) The making of an adoption order does not extinguish a duty arising under a deed or agreement—
  - (a) which constitutes a trust, or
  - (b) which expressly provides that the duty is not to be extinguished by the making of an adoption order.
- (4) An adoption order does not affect parental responsibilities and parental rights so far as they relate to any period before the making of the order.