



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 1

ADOPTION

CHAPTER 3

STATUS OF ADOPTED CHILDREN

40 Status conferred by adoption

- (1) An adopted person is to be treated in law as if born as the child of the adopters or adopter.
- (2) If an adopted person is adopted—
 - (a) by a relevant couple, or
 - (b) by virtue of section 30(3), by a member of a relevant couple,the adopted person is to be treated as the child of the couple concerned.
- (3) An adopted person adopted by virtue of section 30(3) by a member of a relevant couple is to be treated in law as not being the child of any person other than the adopter and the other member of the couple.
- (4) Otherwise, an adopted person is to be treated in law as not being the child of any person other than the adopters or adopter.
- (5) Subsections (3) and (4) do not affect any reference in this Act to a person's natural parent or to any other natural relationship.
- (6) Subsection (7) applies where, in the case of a person adopted under a Convention adoption, the Court of Session is satisfied, on an application under this section—
 - (a) that under the law of the country in which the adoption was effected the adoption is not a full adoption,
 - (b) that—

Status: This is the original version (as it was originally enacted).

- (i) the consents mentioned in Article 4(c) and (d) of the Convention have not been given for a full adoption, or
 - (ii) the United Kingdom is not the receiving State (within the meaning of Article 2 of the Convention), and
 - (c) that it would be more favourable to the person for a direction to be given under that subsection.
- (7) The court may direct that subsection (4)—
- (a) is not to apply, or
 - (b) is not to apply to such extent as may be specified in the direction.
- (8) In subsection (6), “full adoption” means an adoption by virtue of which the person falls to be treated in law as if the person were not the child of any person other than the adopters or adopter.
- (9) This section has effect from the date of the adoption.
- (10) Subject to the provisions of this Chapter, this section—
- (a) applies for the interpretation of enactments or instruments passed or made before as well as after the adoption and so applies subject to any contrary indication, and
 - (b) has effect as respects things done, or events occurring, on or after the adoption.