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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 182**

**The Adoptions with a Foreign  
Element (Scotland) Regulations 2009**

**PART 1**

**GENERAL**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Adoptions with a Foreign Element (Scotland) Regulations 2009 and come into force on 28th September 2009.

(2) These regulations extend to Scotland only.

**Interpretation**

2. In these Regulations—

“the Act” means the Adoption and Children (Scotland) Act 2007;

“the Adoption Agencies Regulations” means—

(a) in Part 2, the Adoptions Agencies (Scotland) Regulations 2009<sup>(1)</sup>; and

(b) in Part 3, those Regulations subject to the modifications set out in regulation 62;

“adoption agency” in Part 3 means a local authority or a registered adoption service which is an accredited body for the purposes of the Convention;

“adoption panel”, in relation to an adoption agency, means an adoption panel appointed by the agency under regulation 3 of the Adoption Agencies Regulations, and includes a joint adoption panel (within the meaning of that regulation) established by the agency jointly with any other adoption agency;

“CA of the receiving State” means, in relation to a Convention country<sup>(2)</sup> other than the United Kingdom, the Central Authority of the receiving State;

“CA of the State of origin” means, in relation to a Convention country other than the United Kingdom, the Central Authority of the State of origin;

“Central Authority” means the Scottish Executive;

“competent authority”, in relation to a function under the Convention, means an authority in a Contracting State which is entitled to carry out that function;

“Convention prospective adopter” is to be construed in accordance with regulation 45(1);

“eligible to adopt” in Part 3, except in regulations 16(4)(b) and 50(3)(a)(ii), is to be construed in accordance with regulation 12(1);

“prospective adopters”—

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(1) S.S.I. 2009/154.

(2) The expression “Convention country” is defined in section 119(1) of the Act.

- (a) in Chapter 1 of Part 2 means a person who makes, or persons who make, an application under regulation 3; and
- (b) in Chapter 1 of Part 3 means a person or, as the case may be, a relevant couple who makes an application under regulation 11;

“receiving State” is to be construed in accordance with Article 2 of the Convention;

“relevant foreign authority” means a person or body outwith the British Islands performing functions in the country in which the child, or the prospective adopter, is habitually resident which correspond to the functions of an adoption agency or to the functions of the Scottish Ministers in respect of adoptions with a foreign element;

“relevant local authority”, in relation to prospective adopters, means—

- (a) the local authority within whose area the prospective adopters have their home; or
- (b) in the case where the prospective adopters no longer have a home in Scotland, the local authority for the area in which they last had their home; and

“State of origin” is to be construed in accordance with Article 2 of the Convention.