

2012 No. 99

CHILDREN AND YOUNG PERSONS

**The Adoption and Children (Scotland) Act 2007
(Commencement No. 4, Transitional and Savings Provisions)
Amendment Order 2012**

Made - - - - *20th March 2012*
Laid before the Scottish Parliament *22nd March 2012*
Coming into force - - *7th May 2012*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 116(1) and 117(2) and (3) of the Adoption and Children (Scotland) Act 2007^(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Amendment Order 2012 and comes into force on 7th May 2012.

Amendment

2.—(1) The Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009^(b) is amended as follows.

(2) In article 16(2) (freeing orders made before the appointed day)—

- (a) after “shall” insert “subject to articles 17 and 18”; and
- (b) omit “until 28th September 2010”.

(3) In article 18 (applications for freeing orders under the 1978 Act)—

- (a) the existing provision becomes paragraph (1); and
- (b) after paragraph (1) insert—

“(2) Where an application continues by virtue of paragraph (1) and a freeing order is granted by the court on or after 28th September 2010 the child who is subject to that freeing order shall be treated as if they were subject to a permanence order and article 17(2) and (3) applies to that deemed permanence order.”.

(a) 2007 asp 4.
(b) S.S.I. 2009/267.

(4) In article 21(1) (applications to vary or revoke a deemed permanence order) for “or 19(2)” substitute “, 18(2) or 19(2)”.

St Andrew’s House,
Edinburgh
20th March 2012

AILEEN CAMPBELL
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009. New paragraph (2) of article 18 provides that a freeing order, which is made by the court on or after 28th September 2010, will be deemed to be a permanence order granting authority for the child to be adopted.

© Crown Copyright 2012

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland.

2012 No. 99

CHILDREN AND YOUNG PERSONS

The Adoption and Children (Scotland) Act 2007
(Commencement No. 4, Transitional and Savings Provisions)
Amendment Order 2012

£4.00

S5475 03/2012 325475T 19585

ISBN 978-0-11-101667-1



9 780111 016671