



Adoption (Scotland) Act 1978

CHAPTER 28

ADOPTION (SCOTLAND) ACT 1978

PART I

THE ADOPTION SERVICE

The Adoption Service

- 1 Establishment of Adoption Service.
- 2 Local authorities' social work.

Adoption societies

- 3 Approval of adoption societies.
- 4 Withdrawal of approval.
- 5 Procedure on refusal to approve, or withdrawal of approval from, adoption societies.

Welfare of children

- 6 Duty to promote welfare of child.
- 6A Duty to consider alternatives to adoption.
- 7 Religious upbringing of adopted child.

Supplemental

- 8 Inactive or defunct adoption societies.
- 9 Regulation of adoption agencies.
- 10
- 11 Restriction on arranging adoptions and placing of children.

Changes to legislation: Adoption (Scotland) Act 1978 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART II

ADOPTION ORDERS

The making of adoption orders

- 12 Adoption orders.
- 13 Child to live with adopters before order made.
- 14 Adoption by married couple.
- 15 Adoption by one person.
- 16 Parental agreement.
- 17 Convention adoption orders.

Freeing for adoption

- 18 Freeing child for adoption.
- 19 Progress reports to former parent.
- 20 Revocation of s. 18 order.
- 21 Variation of section 18 order so as to substitute one adoption agency for another.

Supplemental

- 22 Notification to local authority of adoption application.
- 22A Children subject to supervision requirements.
- 23 Reports where child placed by agency.
- 24 Restrictions on making adoption orders.
- 25 Interim orders.
- 25A Timetable for resolving question as to whether agreement to adoption order etc. should be dispensed with.
- 26 Care etc. of child on refusal of adoption order.

PART III

CARE AND PROTECTION OF CHILDREN AWAITING ADOPTION

Restrictions on removal of children

- 27 Restrictions on removal where adoption agreed or application made under s. 18.
- 28 Restrictions on removal where applicant has provided home for 5 years.
- 29 Return of child taken away in breach of s. 27 or 28.
- 29A Contravention of sections 30 to 36 of Adoption and Children Act 2002
- 30 Return of children placed for adoption by adoption agencies.
- 31 Application of s. 30 where child not placed for adoption.

Protected children

- 32 Meaning of “protected child”.
- 33 Duty of local authorities to secure well-being of protected children.
- 34 Removal of protected children from unsuitable surroundings.
- 35 Notices and information to be given to local authorities.
- 36 Offences relating to protected children.
- 37 Miscellaneous provisions relating to protected children.

Changes to legislation: Adoption (Scotland) Act 1978 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART IV

STATUS OF ADOPTED CHILDREN

- 38 Meaning of “adoption order”: in Part IV.
- 39 Status conferred by adoption.
- 40
- 41 Miscellaneous enactments.
- 42 Pensions.
- 43 Insurance.
- 44 Effect of s. 39 on succession and inter vivos deed.

PART V

REGISTRATION AND REVOCATION OF ADOPTION ORDERS AND CONVENTION ADOPTIONS

- 45 Adopted Children Register.
- 46 Revocation of adoptions on legitimation.
- 47 Annulment etc. of overseas adoptions.
- 48 Provisions supplementary to ss. 46(2) and 47.

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

- 49 Adoption of children abroad.
- 50 Restriction on removal of children for adoption outside Great Britain.
- 50A Restriction on bringing children into the United Kingdom for adoption
- 51 Prohibition on certain payments.
- 51A Adoption allowances schemes.
- 51B Transitional provisions as respects adoption allowances.
- 52 Restriction on advertisements.
- 53 Effect of determination and orders made in England and Wales and overseas in adoption proceedings.
- 53A Effect of certain orders made in England and Wales
- 53B Effect of placing for adoption etc. under Adoption and Children Act 2002
- 53C Further consequences of placement and placement orders
- 54 Evidence of adoption in England, Wales and Northern Ireland.
- 55 Evidence of agreement and consent.
- 56 Courts.
- 57 Proceedings to be in private.
- 58 Curators ad litem and reporting officers.
- 59 Rules of procedure.
- 60 Orders, rules and regulations.
- 61 Offences by bodies corporate.
- 62 Service of notices etc.
- 63 Nationality.
- 64 Internal law of a country.
- 65 Interpretation.
- 66 Transitional provisions, amendments and repeals.
- 67 Short title, commencement and extent.

Changes to legislation: Adoption (Scotland) Act 1978 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1 — Registration of Adoptions

Registration of adoption orders

- 1 (1) Every adoption order shall contain a direction to the...

Registration of adoptions in England, Northern Ireland, the Isle of Man and the Channel Islands

- 2 (1) Where the Registrar General for Scotland is notified by...

Registration of foreign adoptions

- 3 (1) If the Registrar General for Scotland is satisfied, on...

Amendment of orders and rectification of registers

- 4 (1) The court by which an adoption order has been...

Marking of entries on re-registration of birth

- 5 Without prejudice to any other provision of this Act where...

Cancellations in registers on legitimation

- 6 Where an adoption order is revoked under section 46(1) the...
7 In this Schedule, “Registrar General” means the Registrar General for...

SCHEDULE 2 — Transitional Provisions and Savings

General

- 1 In so far as anything done under an enactment repealed...
2 Where any period of time specified in an enactment repealed...
3 Nothing in this Act shall affect the enactments repealed by...
4 Any reference in any enactment or document, whether express or...

Existing adoption orders

- 5 (1) Without prejudice to paragraph 1, an adoption order made...

Payments relating to adoptions

- 6 Section 51(8), (9) and (10) shall not have effect if...

Registers of adoptions

- 7 Any register or index to a register kept under the...

Commencement of Act

- 8 An order under section 67(2) may make such transitional provision...

SCHEDULE 3 — Consequential Amendments

Changes to legislation: Adoption (Scotland) Act 1978 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Children Act 1958 (c. 65)

- 1—3
- 4 In section 23 of the Succession (Scotland) Act 1964, in...
- 5 In section 37(1) of the said Act of 1964, for...

Legitimation (Scotland Act 1968 (c. 22))

- 6 In section 6(2) of the Legitimation (Scotland) Act 1968, for...
- 7 In section 6(3) of the said Act of 1968, for...

Social Work (Scotland) Act 1968 (c. 49)

- 8 In section 2(2) of the Social Work (Scotland) Act 1968,...
- 9 In section 5(2)(c) of the said Act of 1968, for...
- 10 In section 6(1)(b) of the said Act of 1968—
- 11 In section 10(1) of the said Act of 1968, for...
- 12 In section 10(3A) of the said Act of 1968, for...
- 13
- 14
- 15

Children Act 1975 (c. 72)

- 16 In section 47(5) of the Children Act 1975, for the...
- 17 In section 103(1)(a) of the said Act of 1975, for...
- 18 In section 105 of the said Act of 1975, after...
- 19 In section 107(1) of the said Act of 1975, in...

SCHEDULE 4 — REPEALS

Changes to legislation:

Adoption (Scotland) Act 1978 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 17 restricted by [1999 c. 18 s. 16\(1\)](#)
- s. 50(1) words repealed by [2002 c. 38 s. 133\(1\)\(a\)Sch. 4](#)
- s. 50A substituted by [2002 c. 38 s. 133\(2\)](#)
- s. 52(1)(c) power to extend conferred by [2002 c. 38 Sch. 4 para. 16\(1\)\(b\)](#)
- s. 65(1) words substituted by [2002 c. 38 s. 133\(3\)](#)

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. 50(4)(5) inserted by [2002 c. 38 s. 133\(1\)\(b\)](#)
- s. 56A restricted by [1999 c. 18 s. 16\(1\)](#)
- s. 65(2)-(2D) substituted for s. 65(2) by [2002 c. 38 s. 134](#)