

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 6

Adoptions With a Foreign Element

Section 70 - Effect of determinations and orders made outwith Scotland

254. Subsection (2) provides that where an authority makes a decision pursuant to the exercise of a power of the type mentioned in paragraph (a) or (b) of subsection (1), the decision has effect in Scotland as it has in the country or relevant territory in which it was made.
255. This only applies if the authority is:
- that of a Convention country (other than the United Kingdom) which has exercised a legal power to make decisions (specified in subsection (1)(a)) in relation to Convention adoptions or Convention adoption orders, or
 - that of any of the Channel Islands or Isle of Man or any British overseas territory within the meaning of the British Nationality Act 1981 which has exercised a legal power to make decisions (specified in subsection (1)(b)) in relation to Convention adoptions, Convention adoption orders or adoptions effected in that territory. (Subsection (1)(b) as read with subsection (3))
256. Subsection (4) provides that section 35 of the Act applies in relation to an order under Article 17 or Article 18 of the Northern Ireland Order as if it were an adoption order.
257. By virtue of subsection (5), sections 35(2) and (3) and 43 of the Act apply in relation to a child who is the subject of an order which is similar to an order under section 59 of the Act and is made (whether before or after the Act is enacted and brought into force) in England or Wales, Northern Ireland, the Isle of Man or any of the Channel Islands.