



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 2

##### THE ADOPTION PROCESS

###### *The making of adoption orders*

### **30 Adoption by one person**

- (1) An adoption order may be made on the application of a person (“A”) if—
  - (a) A is aged 21 or over,
  - (b) subsection (2), (3), (4) or (5) applies,
  - (c) one of the conditions in subsection (6) is met, and
  - (d) where A is a natural parent of the child to be adopted, subsection (7) applies.
- (2) This subsection applies if A is not a member of a relevant couple.
- (3) This subsection applies if—
  - (a) A and another person (“B”) are a relevant couple,
  - (b) B is aged 18 or over,
  - (c) B is a parent of the child to be adopted, and
  - (d) B—
    - (i) is domiciled in a part of the British Islands, or
    - (ii) has been habitually resident in a part of the British Islands for a period of at least one year ending with the date of the application.
- (4) This subsection applies if—
  - (a) A and B are—

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*Status: This is the original version (as it was originally enacted).*

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- (i) married to each other, or
    - (ii) civil partners of each other,
  - (b) B is not a parent of the child to be adopted, and
  - (c) the court is satisfied that—
    - (i) B cannot be found,
    - (ii) A and B have separated and are living apart and the separation is likely to be permanent, or
    - (iii) B is by reason of ill-health (whether physical or mental) incapable of making an application for an adoption order.
- (5) This subsection applies if—
  - (a) A and B are a relevant couple by virtue of being members of a couple falling within paragraph (c) or (d) of subsection (3) of section 29,
  - (b) B is not a parent of the child to be adopted, and
  - (c) the court is satisfied that B is by reason of ill-health (whether physical or mental) incapable of making an application for an adoption order.
- (6) Those conditions are—
  - (a) that A is domiciled in a part of the British Islands,
  - (b) that A has been habitually resident in a part of the British Islands for a period of at least one year ending with the date of the application.
- (7) This subsection applies if the court is satisfied that—
  - (a) the other natural parent is dead,
  - (b) the other natural parent cannot be found,
  - (c) by virtue of section 28 of the Human Fertilisation and Embryology Act 1990 (c. 37) (disregarding subsections (5A) to (5I) of that section), there is no other parent, or
  - (d) the exclusion of the other natural parent from the application for adoption is justified on some other ground.
- (8) In subsections (3)(c), (4)(b) and (5)(b), “parent” has the meaning given by section 29(4).