



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 6

##### ADOPTIONS WITH A FOREIGN ELEMENT

###### *Restrictions on movement of children*

#### **59 Preliminary order where child to be adopted abroad**

- (1) The appropriate court may, on an application by persons (“the prospective adopters”) who the court is satisfied intend to adopt a child under the law of a country or territory outwith the British Islands, make an order vesting parental responsibilities and parental rights in relation to the child in the prospective adopters.
- (2) If the court is satisfied that the prospective adopters would meet the requirements as to domicile, or habitual residence, in Scotland which they would require to meet if an adoption order were to be made on their application, the court may not make an order under this section.
- (3) An order under this section may not be made unless any requirements prescribed by regulations by the Scottish Ministers are satisfied.
- (4) An application for an order under this section may not be made unless at all times during the period of 10 weeks immediately preceding the application the child's home was with the prospective adopters.
- (5) Section 35 has effect in relation to an order under this section as it has effect in relation to adoption orders.

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**Status:** Point in time view as at 28/09/2009.

**Changes to legislation:** Adoption and Children (Scotland) Act 2007, Section 59 is up to date with all changes known to be in force on or before 03 April 2024. 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)

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- (6) The Scottish Ministers may by regulations provide for any provision of this Act which relates to adoption orders to apply, with or without modifications, to orders under this section.

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**Commencement Information**

- I1** [S. 59\(1\)\(2\)\(4\)\(5\)](#) in force at 28.9.2009 by [S.S.I. 2009/267](#), [arts. 1\(2\)](#), 2 (with [arts. 3-21](#)) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)
- I2** [S. 59\(3\)\(6\)](#) in force at 20.4.2009 for specified purposes by [S.S.I. 2009/147](#), art. 2, [Sch.](#)
- I3** [S. 59\(3\)\(6\)](#) in force at 28.9.2009 in so far as not already in force by [S.S.I. 2009/267](#), [arts. 1\(2\)](#), 2 (with [arts. 3-21](#)) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)

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