



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 6

##### ADOPTIONS WITH A FOREIGN ELEMENT

###### *Overseas adoptions etc.*

#### **69 Section 68: supplementary provision**

- (1) Any application for—
  - (a) an order under section 68, or
  - (b) a decision under subsection (2)(b) of that section,is to be made in the manner prescribed in regulations made by the Scottish Ministers and within such period as may be so prescribed.
- (2) No application is to be made under section 68(1) in respect of an adoption unless immediately before the application is made—
  - (a) the person adopted was habitually resident in Scotland, or
  - (b) the persons on whose application the adoption order was made were habitually resident there.
- (3) In deciding in pursuance of section 68 whether such an authority as is mentioned in section 70 was competent to hear a particular case, a court is to be bound by any finding of fact made by the authority and stated by the authority to be so made for the purpose of determining whether the authority was competent to hear the case.