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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 310**

**CHILDREN AND YOUNG PERSONS**

**The Adoption (Recognition of Overseas Adoptions) (Scotland) Regulations 2013**

*Made* - - - - 31st October 2013  
*Laid before the Scottish Parliament* - - - - 4th November 2013  
*Coming into force* - - 3rd January 2014

The Scottish Ministers, make the following Regulations in exercise of the powers conferred by sections 67(1) and (4) and 117(2) and (3) of the Adoption and Children (Scotland) Act 2007<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Adoption (Recognition of Overseas Adoptions) (Scotland) Regulations 2013 and come into force on 3rd January 2014.

**Interpretation**

2. In these Regulations “law” does not include customary or common law.

**Overseas adoptions**

3. An adoption of a child is specified as an overseas adoption if—
- (a) it is an adoption effected under the law of a country or territory listed in the Schedule to these Regulations; and
  - (b) it is not a Convention adoption.

**Evidence of an overseas adoption**

4.—(1) The following documents may be provided as evidence that an overseas adoption has been effected—

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(1) 2007 asp 4.

- (a) a certified copy of an entry made, in accordance with the law of the country or territory concerned, in a public register relating to the recording of adoptions and showing that the adoption has been effected; or
- (b) a certificate that the adoption has been effected, signed or purporting to be signed by a person authorised by the law of the country or territory concerned to sign such a certificate, or a certified copy of such a certificate.

(2) Where a document produced by virtue of paragraph (1) is not in English, the Registrar General may require the production of an English translation of the document before being satisfied of the matters specified in paragraph 6 of schedule 1 to the Adoption and Children (Scotland) Act 2007.

(3) Nothing in this regulation may be construed as precluding proof, in accordance with the Evidence (Foreign, Dominion and Colonial Documents) Act 1933(2) or the Oaths and Evidence (Overseas Authorities and Countries) Act 1963(3) or otherwise, that an overseas adoption has been effected.

### **Revocation and saving**

5.—(1) Subject to paragraph (2), the following instruments are revoked—

- (a) The Adoption (Designation of Overseas Adoptions) Order 1973(4); and
- (b) The Adoption (Designation of Overseas Adoptions) (Variation) (Scotland) Order 1995(5).

(2) The revocation of the Adoption (Designation of Overseas Adoptions) Order 1973 does not affect any adoption designated as an overseas adoption by virtue of that Order prior to the coming into force of these Regulations.

St Andrew's House,  
Edinburgh  
31st October 2013

*AILEEN CAMPBELL*  
Authorised to sign by the Scottish Ministers

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(2) [1933 c.4.](#)  
(3) [1963 c.27.](#)  
(4) [S.I. 1973/19.](#) This Order and [S.I. 1995/1614](#) were saved by [S.S.I. 2009/267](#) and deemed to have been made under section 67 of the Adoption and Children (Scotland) Act 2007 (asp 4).  
(5) [S.I. 1995/1614.](#)

## SCHEDULE

Regulation 3(a)

Albania  
Andorra  
Armenia  
Australia  
Austria  
Azerbaijan  
Belarus  
Belgium  
Belize  
Bolivia  
Brazil  
Bulgaria  
Bulgaria  
Bulgaria  
Burkina Faso  
Burundi  
Canada  
Cape Verde  
Chile  
The People's Republic of China  
Colombia  
Costa Rica  
Cuba  
The Republic of Cyprus  
Czech Republic  
Denmark (including the Faroe Islands and Greenland)  
Dominican Republic  
Ecuador  
El Salvador  
Estonia  
Fiji  
Finland  
France  
Georgia  
Germany  
Greece  
Guinea  
Hungary

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Iceland  
India  
The Republic of Ireland  
Israel  
Italy  
Kazakhstan  
Kenya  
Latvia  
Lesotho  
Liechtenstein  
Lithuania  
Luxembourg  
The Former Yugoslav Republic of Macedonia  
Madagascar  
Mali  
Malta  
Mauritius  
Mexico  
The Republic of Moldova  
Monaco  
Mongolia  
Montenegro  
The Netherlands (including the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba))  
New Zealand  
Norway  
Panama  
Paraguay  
Peru  
Philippines  
Poland  
Portugal  
Romania  
Rwanda  
San Marino  
Senegal  
Seychelles  
Slovakia  
Slovenia  
South Africa

Spain  
Sri Lanka  
Swaziland  
Sweden  
Switzerland  
Thailand  
Togo  
Turkey  
The United States of America  
Uruguay  
Venezuela  
Vietnam

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations come into force on 3rd January 2014. They revoke and replace the Adoption (Designation of Overseas Adoptions) Order 1973 (“the 1973 Order”). The effect of these Regulations is to specify the countries and territories whose adoption orders are classed as ‘overseas adoptions’ in terms of section 67 of the Adoption and Children (Scotland) Act 2007 (“the 2007 Act”).

Regulation 2 provides that for the purposes of these Regulations ‘law’ does not include customary or common law.

Regulation 3 provides that an adoption, other than a Convention adoption, effected under the law of a country or territory listed in the Schedule to these Regulations is specified as an ‘overseas adoption’ for the purposes of the 2007 Act.

Regulation 4 provides that the documents that may be produced as evidence that an overseas adoption has been effected are documents purporting to be a certified copy of an entry made, in accordance with the law of the country or territory concerned, in the public register of adoptions; or a certificate that the adoption has been effected, signed or purporting to be signed by a person authorised by that country or territory to sign such a certificate.

Regulation 5 revokes the 1973 Order and an amending instrument but makes savings provision in respect of any adoption that was recognised as an overseas adoption under the 1973 Order before it was revoked. Any adoption that was recognised as an overseas adoption prior to the coming into force of these Regulations continues to be recognised as such.