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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 154**

**The Adoption Agencies (Scotland) Regulations 2009**

**PART V**

**CONSENT CERTIFICATES**

**Consent to placement of the child for adoption for the purposes of section 20 of the Act**

**19.** For the purpose of section 20(1)(b) of the Act consent to the placement of a child for adoption by each parent or guardian must be—

- (a) made in the certificate in the form set out in Schedule 4 or Schedule 7;
- (b) signed by the parent or guardian of the child; and
- (c) returned to the adoption agency within 28 days from the date the parent or guardian received the certificate.

**Consent certificate: no consent or failure to return consent certificate**

**20.—(1)** This regulation applies where—

- (a) an adoption agency does not receive the signed certificate referred to in regulation 16(3)(b) or 17(3)(b) within 28 days from the date the certificate was received by the parent or guardian;
  - (b) the adoption agency has not been able to carry out the duties referred to in paragraphs (2), (3) and (5) of regulation 16 or 17 because the parent or guardian of the child cannot be contacted from reasonable efforts being made to make contact by or on behalf of the adoption agency; or
  - (c) a parent or guardian has signed and returned a certificate under regulation 16(3)(b) or 17(3)(b) and subsequently notifies in writing to the adoption agency that their agreement is being withdrawn.
- (2) Where the adoption agency is a registered adoption service it must—
- (a) take such steps, in relation to the case as it considers appropriate and in the best interests of the child; and
  - (b) refer the case to the local authority for the area in which the child resides.
- (3) Where the adoption agency is a local authority it must make a determination to proceed as though parental agreement is not forthcoming.
- (4) Where the case is referred to a local authority under paragraph (2) that local authority must make a determination to proceed as though parental agreement is not forthcoming.