

2009 No. 170

CHILDREN AND YOUNG PERSONS

The Applications to the Court of Session to Annul Convention Adoptions or Overseas Adoptions (Scotland) Regulations 2009

Made - - - - - *29th April 2009*

Laid before the Scottish Parliament *30th April 2009*

Coming into force - - - *28th September 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 69(1) of the Adoption and Children (Scotland) Act 2007(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Applications to the Court of Session to Annul Convention Adoptions or Overseas Adoptions (Scotland) Regulations 2009 and come into force on 28th September 2009.

Interpretation

2. In these regulations—

“the Act” means the Adoption and Children (Scotland) Act 2007; and

“an application” means any application for—

- (a) an order under section 68 (annulment and recognition) of the Act; or
- (b) a decision under section 68(2)(b) of the Act.

Manner of application

3. An application to the Court of Session must be made by petition.

(a) 2007 asp 4.

Period for application

4. An application must be made within 2 years of the date of the adoption or determination to which it relates, except with the leave of the Court of Session.

St Andrew's House,
Edinburgh
29th April 2009

ADAM INGRAM
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision relating to applications to the Court of Session under section 68 of the Adoption and Children (Scotland) Act 2007 to annul a Hague Convention adoption, a Hague Convention adoption order or an overseas adoption or determination and to decide the extent to which a determination under section 70 has been affected by a subsequent determination.

Regulation 3 provides that an application to the Court of Session must be made by petition.

Regulation 4 provides that the application must be made within two years of the adoption or determination to which it relates, except with the leave of the Court of Session.

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