
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 182

The Adoptions with a Foreign
Element (Scotland) Regulations 2009

PART 3

ADOPTIONS UNDER THE CONVENTION

CHAPTER 1

PROCEDURE IN SCOTLAND WHERE THE
UNITED KINGDOM IS THE RECEIVING STATE

Duty of prospective adopters

28.—(1) The prospective adopters are not obliged to allow the child to visit or stay with any person, or otherwise to allow contact between the child and any person except under and in terms of a contact order within the meaning of section 11(2)(d) of the Children (Scotland) Act 1995(1).

(2) Subject to paragraphs (3) and (4), the prospective adopters must not cause or permit the child—

- (a) to be known by a new surname;
- (b) to be removed from the United Kingdom,

unless the court consents or each parent or guardian of the child gives written consent.

(3) Paragraph (2)(a) does not apply if the competent authority of the State of origin has agreed that the child may be known by a new surname.

(4) Paragraph (2)(b) does not prevent the removal of the child by the prospective adopters for a period of less than one month.

(5) In paragraph (2), “the court” means—

- (a) the Court of Session; or
- (b) the sheriff court of the sheriffdom within which the child is.