
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 182

**The Adoptions with a Foreign
Element (Scotland) Regulations 2009**

PART 3

ADOPTIONS UNDER THE CONVENTION

CHAPTER 2

**PROCEDURE IN SCOTLAND WHERE THE
UNITED KINGDOM IS THE STATE OF ORIGIN**

Receipt of Article 15 Report

45.—(1) This regulation applies where—

- (a) the Central Authority receives from the CA of the receiving State an Article 15 Report which relates to a prospective adopter who is habitually resident in that receiving State (a “Convention prospective adopter”); and
- (b) the Convention prospective adopter wishes to adopt a child who is habitually resident in the British Islands.

(2) Subject to paragraph (3), if the Central Authority is satisfied that the Convention prospective adopter meets—

- (a) the age requirements specified in section 29 of the Act (in the case of a relevant couple) or section 30 of the Act (in the case of adoption by one person); and
- (b) in the case of adoption by a relevant couple, both members of the couple are, or in the case of adoption by one person, that person is, habitually resident in a Convention country outwith the British Islands,

the Central Authority must consult the Convention list and may, if the Authority considers it appropriate, consult any list of children notified to any other Central Authority within the British Islands in accordance with provisions which correspond to regulation 44(1) (a “Convention list equivalent”).

(3) Where a Convention prospective adopter has already been identified in relation to a proposed adoption of a particular child and the Central Authority is satisfied that the Convention prospective adopter meets the requirements in paragraph (2)(a) and (b), the Authority—

- (a) need not consult the Convention list; and
- (b) must send the Article 15 Report to the adoption agency which notified the Central Authority of the child’s details.

(4) The Central Authority may pass a copy of the Article 15 Report to any other Central Authority within the British Islands for the purpose of enabling the other Central Authority to consult its Convention list equivalent.

Status: This is the original version (as it was originally made).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

(5) Where the Central Authority identifies a child on the Convention list who may be suitable for adoption by the Convention prospective adopter, the Authority must send the Article 15 Report to the adoption agency which notified the Authority of the child's details.

(6) In considering whether it is appropriate to place the child for adoption with the Convention prospective adopter, the adoption agency must take into account the Article 15 Report.

(7) Where the adoption agency considers such a placement appropriate, it must refer the proposed placement to the adoption panel together with—

- (a) the Article 15 Report;
- (b) the documents referred to in sub-paragraphs (b) and (c) of regulation 41(2);
- (c) its observations on the proposed adoption; and
- (d) any other relevant information about the child.