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SCOTTISH STATUTORY INSTRUMENTS

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**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**

**Requirements to be met before child placed with Convention prospective adopter**

**49.—**(1) The Central Authority may notify the CA of the receiving State that it is prepared to agree that the proposed adoption should proceed provided the CA of the receiving State has confirmed that—

- (a) the Convention prospective adopter has agreed to adopt the child and has received such counselling as may be necessary;
- (b) the Convention prospective adopter has confirmed that—
  - (i) the Convention prospective adopter will accompany the child to the receiving State unless, in the case of a relevant couple, the adoption agency and the CA of the receiving State have agreed that it is necessary for only one member of the relevant couple to do so; or
  - (ii) in exceptional circumstances, the child will be accompanied to the receiving State by a nominee of the Convention prospective adopter who has been approved by the adoption agency;
- (c) it is content for the proposed adoption to proceed;
- (d) in the case where a Convention adoption is to be effected, it has explained to the Convention prospective adopter the need to make an application under section 59(1) of the Act; and
- (e) the child is or will be authorised to enter and reside permanently in the Convention country if a Convention adoption is effected or a Convention adoption order is made.

(2) The Central Authority may not make an agreement with the CA of the receiving State under Article 17(c) of the Convention unless—

- (a) confirmation has been received in respect of the matters referred to in paragraph (1);
- (b) the adoption agency has confirmed to the Central Authority that—
  - (i) it has met the Convention prospective adopter and explained the requirement to make an application under section 59(1) of the Act before the child can be taken or sent out of Great Britain;

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**Status:** This is the original version (as it was originally made).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

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- (ii) the Convention prospective adopter or, where the Convention prospective adopter is a relevant couple and there are exceptional circumstances, one member of the couple has visited the child; and
- (iii) the Convention prospective adopter is content for the proposed adoption to proceed.

(3) The adoption agency may not place the child for adoption with the Convention prospective adopter unless the agreement under Article 17(c) of the Convention has been made; and the Central Authority must advise the agency when the agreement has been made.