
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 182

The Adoptions with a Foreign
Element (Scotland) Regulations 2009

PART 2

BRINGING CHILDREN INTO, AND TAKING
CHILDREN OUT OF, THE UNITED KINGDOM

CHAPTER 2

TAKING CHILDREN OUT OF THE UNITED KINGDOM

Orders under section 59 of the Act: requirements

7.—(1) This regulation prescribes, for the purposes of subsection (3) of section 59 of the Act (preliminary order where child to be adopted abroad), the requirements to be satisfied before an order under that section may be made in the case where the prospective adopters (within the meaning of that section) intend to adopt a child otherwise than under a Convention adoption⁽¹⁾.

(2) This regulation applies in the case of a child placed for adoption with the prospective adopters by an adoption agency.

(3) The requirements are—

(a) that the adoption agency has—

- (i) confirmed to the court that it has complied with the requirements imposed on it under Parts IV and V of the Adoption Agencies Regulations; and
- (ii) submitted to the court the things mentioned in regulation 8;

(b) that the relevant foreign authority has—

- (i) confirmed in writing to the adoption agency that the prospective adopters have been counselled and that the legal implications of adoption have been explained to them;
- (ii) prepared a report on the suitability of the prospective adopters to be adoptive parents;
- (iii) determined and confirmed in writing to the adoption agency that the prospective adopters are eligible and suitable to adopt in the country or territory in which the adoption is to be effected; and
- (iv) confirmed to the adoption agency that the child is or will be authorised to enter and reside permanently in that country or territory;

(c) in a case where there is only one prospective adopter, that the prospective adopter has confirmed in writing to the adoption agency that the prospective adopter will accompany the child out of Great Britain and into the country or territory where the adoption is to be effected; and

⁽¹⁾ The expression “Convention adoption” is defined in section 119(1) of the Act.

Status: This is the original version (as it was originally made).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

- (d) in a case where there are two prospective adopters, that they have confirmed in writing to the adoption agency—
 - (i) that both will so accompany the child; or
 - (ii) if the adoption agency and the relevant foreign authority have confirmed that it is necessary for only one so to accompany the child, that one of them will do so.