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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 267**

**The Adoption and Children (Scotland) Act  
2007 (Commencement No. 4, Transitional  
and Savings Provisions) Order 2009**

**PART III**

**TRANSITIONAL AND SAVINGS PROVISIONS**

**CHAPTER 2**

**INTERCOUNTRY ADOPTION**

**Non-Convention adoptions: local authority functions following receipt of notice of intention to adopt**

9.—(1) This article applies where notice of intention to adopt is given before the appointed day by a prospective adopter in accordance with regulation 3(3) of the Overseas Adoption Regulations.

(2) For the purposes of regulation 5(1)(b) of the Foreign Element Regulations notice is deemed to have been given in accordance with section 18(2) (notification to local authority of adoption application) of the Act.

(3) Where the local authority has not visited the child and the prospective adopter before the appointed day and more than one week has elapsed since the receipt of the notice referred to in paragraph (1) the date of receipt of that notice is deemed to be 28th September 2009 for the purposes of regulation 5(2)(f) and (g) of the Foreign Element Regulations.

(4) Where the local authority has visited the child and the prospective adopter before the appointed day—

- (a) the authority must, if it has not already done so, carry out the functions imposed by regulation 5(2)(f) to (i) of the Foreign Elements Regulations; and
- (b) where the review considering the matters referred to in regulation 5(2)(h) of the Foreign Elements Regulations has not been carried out before the appointed day, the date of receipt of the notice referred to in paragraph (1) is deemed to be 28th September 2009 for the purposes of regulation 5(2)(g) of those Regulations.