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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 172**

**CHILDREN AND YOUNG PERSONS**

**The Adoption Agencies (Scotland)  
Amendment Regulations 2010**

<i>Made</i>	- - - -	<i>29th April 2010</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>30th April 2010</i>
<i>Coming into force</i>	- -	<i>24th May 2010</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 8, 105(2)(b) and 117(2) of the Adoption and Children (Scotland) Act 2007<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Adoption Agencies (Scotland) Amendment Regulations 2010 and come into force on 24th May 2010.

**Amendment of the Adoption Agencies (Scotland) Regulations 2009**

2.—(1) The Adoption Agencies (Scotland) Regulations 2009<sup>(2)</sup> are amended as follows.

(2) In regulation 16(5)(b) (provision of information to parents: decision by adoption agency to make arrangements for adoption), after “section 4” insert “or 4A”.

(3) In regulation 17(5)(b) (provision of information to parents: decision of adoption agency that an application under section 80 of the Act should be made), after “section 4” insert “or 4A”.

(4) In regulation 18(3) (duties of adoption agencies: placing the child for adoption) for “an” substitute “on”.

(5) After regulation 23 (application for a permanence order: child subject to supervision requirement) insert—

**“Proposed application for permanence order: notification under section 105 of the Act**

**23A.**—(1) This regulation applies where a local authority is under a duty to give notice under section 105 of the Act that it—

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(1) 2007 asp 4.

(2) S.S.I. 2009/154.

- (a) proposes to apply for a permanence order; or
  - (b) is required to make an application by virtue of regulation 21(2) or 23(6).
- (2) The information prescribed for the purpose of section 105(2)(b) of the Act is—
- (a) the date the local authority intends to make the application;
  - (b) whether the authority intends to seek provision granting authority for the child to be adopted;
  - (c) the ancillary provisions which the authority intends to seek in its application in terms of section 82 of the Act; and
  - (d) the court which will receive the application.”.
- (6) After regulation 25 (duties of adoption agency following placement for adoption) insert—

**“Proposed application for adoption order: notification under section 105 of the Act**

**25A.**—(1) This regulation applies where a local authority is under a duty to give notice under section 105 of the Act that an application for an adoption order has been, or is to be, made.

- (2) The information prescribed for the purpose of section 105(2)(b) of the Act is—
- (a) where the application has been lodged—
    - (i) the court which received the application; and
    - (ii) the date of the preliminary hearing if known to the local authority; or
  - (b) where the application has not been lodged—
    - (i) the court which will receive the application if known to the authority; and
    - (ii) when the prospective adopters intend to make the application for the adoption order if known to the authority.”.
- (7) In paragraph 7(c) of Schedule 2 (memorandum: adoption of children) and paragraph 6(c) of Schedule 5 (memorandum: application for permanence order with authority for a child to be adopted) for “able” substitute “unable”.

St Andrew’s House,  
Edinburgh  
29th April 2010

*ADAM INGRAM*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to the Adoption Agencies (Scotland) Regulations 2009 (“the principal Regulations”).

Regulation 2(2) and (3) make amendments to regulations 16 and 17 of the principal Regulations in consequence of the introduction of new section 4A of the Children (Scotland) Act 1995<sup>(3)</sup>.

Regulation 2(5) and (6) introduces new provisions to prescribe the information which must be provided under section 105(2)(b) of the Adoption and Children (Scotland) Act 2007 when a local authority intends to make an application for a permanence order or becomes aware that an application for an adoption order has been, or is to be, made.

Regulation 2(4) and (7) corrects a typographical error in regulation 18 of and Schedules 2 and 5 to the principal Regulations respectively.

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(3) Section 4A was inserted by the Human Fertilisation and Embryology Act 2008 c. 22.