



# Adoption (Scotland) Act 1978

## 1978 CHAPTER 28

### PART III

#### CARE AND PROTECTION OF CHILDREN AWAITING ADOPTION

##### *Restrictions on removal of children*

#### **27 Restrictions on removal where adoption agreed or application made under s. 18**

- (1) While an application for an adoption order is pending in a case where a parent or guardian of the child has agreed to the making of the adoption order (whether or not he knows the identity of the applicant), the parent or guardian is not entitled, against the will of the person with whom the child has his home, to remove the child from the custody of that person except with the leave of the court.
- (2) While an application is pending for an order freeing a child for adoption and—
  - (a) the child is in the care of the adoption agency making the application, and
  - (b) the application was not made with the consent of each parent or guardian of the child,no parent or guardian of the child who did not consent to the application is entitled, against the will of the person with whom the child has his home, to remove the child from the custody of that person except with the leave of the court.
- (3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding £400 or both.
- (4) This section, except subsection (3), applies notwithstanding that the child is in England or Wales at the time he is removed.
- (5) Any person who removes a child from the custody of any other person while the child is in Scotland, contrary to section 27 of the Adoption Act 1976 (which makes for England and Wales provision similar to this section), shall be guilty of an offence and

*Status: This is the original version (as it was originally enacted).*

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liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding £400 or both.