



Adoption (Scotland) Act 1978

1978 CHAPTER 28

PART IV

STATUS OF ADOPTED CHILDREN

41 Miscellaneous enactments.

- (1) Section 39 does not apply in determining the forbidden degrees of consanguinity and affinity in respect of the law relating to marriage [^{F1}, to the eligibility of persons to register as civil partners of each other] or in respect of the crime of incest, except that, on the making of an adoption order, the adopter and the child shall be deemed, for all time coming, to be within the said forbidden degrees in respect of the law relating to marriage [^{F2}, to such eligibility and to incest].
- (2) ^{F3} . . . section 39 does not apply for the purposes of any provision of—
 - (a) [^{F4}the British Nationality Act 1981],
 - (b) the ^{M1}Immigration Act 1971,
 - (c) any instrument having effect under an enactment within paragraph (a) or (b),
or
 - (d) any other law for the time being in force which determines [^{F5}British citizenship, British Dependent Territories citizenship [^{F6}, the status of a British National (Overseas)] or British Overseas citizenship.]
- (3) ^{F7}

Textual Amendments

- F1** Words in s. 41(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 86(10)(a)**, 263(3); S.S.I. 2005/604, art. 2(b)
- F2** Words in s. 41(1) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 86(10)(b)**, 263(3); S.S.I. 2005/604, art. 2(b)
- F3** Words repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), s. 52(8), **Sch. 9**
- F4** Words substituted by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), s. 52(6), **Sch. 7**
- F5** Words substituted by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), s. 52(6), **Sch. 7**

Changes to legislation: Adoption (Scotland) Act 1978, Section 41 is up to date with all changes known to be in force on or before 12 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

F6 Words inserted by [S.I. 1986/948](#), art. 8, **Sch.**

F7 S. 41(3)–(5) repealed by [Social Security Act 1988](#) (c. 7, SIF 113:1), ss. 16, 19(3), **Sch. 5**

Modifications etc. (not altering text)

C1 S. 41(1) modified (21.12.2018) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2018](#) (S.I. 2018/1412), reg. 1(2), **Sch. 4 para. 8**

Marginal Citations

M1 [1971 c. 77](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 50(4)(5) inserted by [2002 c. 38 s. 133\(1\)\(b\)](#)
- s. 56A restricted by [1999 c. 18 s. 16\(1\)](#)
- s. 65(2)-(2D) substituted for s. 65(2) by [2002 c. 38 s. 134](#)