
STATUTORY INSTRUMENTS

1996 No. 3266

The Adoption Agencies (Scotland) Regulations 1996

Legal process where the child is subject to supervision requirement

18.—(1) This regulation applies where a child is subject to a supervision requirement and arrangements for adoption are proposed in respect of him by an adoption agency which is a local authority.

(2) Where an adoption agency decides to proceed under regulation 15 as though such agreement as mentioned is unlikely to be forthcoming, the agency shall within 7 days from the date of the decision notify under section 73(4)(c)(ii) of the 1995 Act the Principal Reporter of this in terms of regulation 12(5).

(3) Subject to paragraph (4), where the adoption agency receives a report from a children's hearing under section 73(13) of the 1995 Act providing advice which supports the decision of the agency in relation to the child concerned the agency, where paragraph (2) applies, shall within a period of 28 days from the date of the children's hearing make an application for an order under section 18(1) of the Act.

(4) Subject to paragraph (5), where the adoption agency receives a report from a children's hearing further to section 73(13) of the 1995 Act which provides advice which does not support the decision of the agency in relation to the child, the agency shall within 28 days from the date of the children's hearing review its decision in the matter and come to a further decision taking into account the report from the children's hearing and any further recommendations from the adoption panel that it may wish to seek and shall notify the Principal Reporter of its decision.

(5) Subject to paragraph (6), where the adoption agency decides further to paragraph (4) that adoption remains in the best interests of the child, the agency shall make an application for an order under section 18(1) of the Act provided that such application must be within the same 28 days specified in paragraph (4).

(6) Paragraphs (3), (4) and (5) do not apply where an application for an adoption order has been made in relation to the child.