

# **ADOPTION AND CHILDREN (SCOTLAND) ACT 2007**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 4**

#### **General**

#### ***Schedule 1: Registration of adoptions***

#### **Registration of adoption orders**

386. By virtue of paragraph 1(1), every adoption order must contain a direction to the Registrar General for Scotland to make an entry in the Adopted Children Register. The form of entry will be as prescribed by regulations made by the Registrar General with the approval of Scottish Ministers.
387. In order to satisfy the requirement at paragraph 1(1), where the precise date of the child's birth is not known, the court is to determine the likely date of the child's birth and this is to be specified in the adoption order as the child's date of birth. Where the country of the child's birth is unknown, if it appears likely that the child was born in the British Islands, the child should be regarded as having been born in Scotland. Otherwise, this information can be excluded from the adoption order and the entry in the Adopted Children Register. Where the application for the adoption order specifies any names in regard to the child, those names are to be recorded in the adoption order as the names of the child. Where the adoption order does not specify these names, the child's original name and the surname of the applicant are to be recorded in the adoption order as the names of the child.
388. On an application for an adoption order in relation to a child, where the identity of the child can be linked to an entry in the register of births, and where the child has not previously been subject to an adoption order made by a court in Scotland, the adoption order must contain a direction to the Registrar General for Scotland to mark that entry in the register of births with the word "Adopted" (paragraph 2(2)). Where the child has previously been subject to an adoption order made by a court in Scotland, the adoption order must contain a direction to the Registrar General for Scotland to mark the relevant entry in the register of births with the word "Re-adopted" (paragraph 3).
389. Where an adoption order is made, it is the responsibility of the clerk of the court which made the order to communicate the order to the Registrar General for Scotland. The Registrar General for Scotland must secure that the direction contained in the order is complied with as soon as is reasonably practicable (paragraph 4).