

*These notes relate to the Adoption and Children (Scotland) Act 2007 (asp 4) which received Royal Assent on 15 January 2007*

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

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Chapter 2**

#### ***The Adoption Process***

#### ***Section 22 - Restrictions on removal: application for adoption order pending***

88. By virtue of subsections (1), (2) and (3), where an application for an adoption order has been made to the court, but the court has not yet made a determination, and where the child's home during the 5 year period preceding the adoption application has been with the prospective adopters, a child cannot be removed from the home of the prospective adopters unless the prospective adopters agree to the removal; the court grants leave for removal; the child is arrested; or removal is authorised by an enactment. Subsection (4) makes it an offence to remove a child in breach of subsection (2). Such an offence is punishable by imprisonment for a term not exceeding 3 months, a fine not exceeding level 5, or both.