

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 5

Registration

Section 55 - Connections between the register and birth records

198. By virtue of subsection (1), the Registrar General must ensure that there is a traceable connection between any entry in the register of births which has been marked ‘Adopted’ and any corresponding entry in the Adopted Children Register. Subsections (2) and (3) provide that any information which the Registrar General keeps for the purpose of subsection (1) is not open to the public and can only be disclosed in accordance with subsection (4).
199. Subsection (4) provides that such information can only be disclosed if it is disclosed by virtue of an order of the Court of Session or a sheriff, or to an adopted person aged 16 or over to whom the information relates or to a local authority, Board or adoption society which is providing counselling to an adopted person to whom the information relates.
200. By virtue of subsection (5), where such information is disclosed to an adopted person by virtue of subsection (4), the Registrar General must inform the person that counselling services are available. If the adopted person is in Scotland, counselling is available from any local authority in Scotland. If the adopted person is in England and Wales, counselling is available from any local authority in England and Wales. If the adopted person is in Northern Ireland, counselling is available from any Health and Social Services Board in Northern Ireland. If the adopted person is in the United Kingdom and the adoption was arranged by a registered adoption service, counselling is available from that service. If the person is in the United Kingdom and the adoption was arranged by a registered adoption society in England and Wales (as defined in section 2(2) (basic definitions) of the 2002 Act), counselling is available from that society. If the person is in the United Kingdom and the adoption was arranged by an adoption society registered under article 4 of the Adoption (Northern Ireland) Order 1987 (registration of adoption societies), counselling is available from that society.
201. By virtue of subsection (6), when the Registrar General discloses information by virtue of subsection (4) to an adopted person who is in Scotland or when such a person applies for information under Schedule 2 to the 2002 Act (disclosure of birth records by Registrar General) or Article 54 of the Adoption (Northern Ireland) Order 1987 (disclosure of birth records of adopted children) any organisation listed at subsection (7) must provide counselling for the person if requested to do so. These organisations are any local authority in Scotland and any registered adoption service or adoption society mentioned in subsection (5)(d)(ii) or (iii) in so far as that organisation is, by virtue of section 76(2) of the Act, acting as an adoption society in Scotland.