

# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### [<sup>F1</sup>CHAPTER 1A

##### SCOTLAND'S ADOPTION REGISTER

#### Textual Amendments

- F1** Pt. 1 Ch. 1A inserted (30.9.2015 so far as is necessary to enable the Scottish Ministers to make regulations under section 13A(2), 1.4.2016 in so far as not already in force) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), ss. 75, 102(3); S.S.I. 2015/317, art. 2, Sch.; S.S.I. 2015/406, art. 3(2)(3), Sch. Pt. 2

#### **13A** Scotland's Adoption Register

- (1) The Scottish Ministers must make arrangements for the establishment and maintenance of a register to be known as Scotland's Adoption Register for the purposes of facilitating adoption (referred to in this Chapter as “ the Register ”).
- (2) The Scottish Ministers may by regulations—
  - (a) prescribe information relating to adoption which is, or types of information relating to adoption which are, to be included in the Register, which may include information relating to—
    - (i) children who adoption agencies consider ought to be placed for adoption,
    - (ii) persons considered by adoption agencies as suitable to have a child placed with them for adoption,
    - (iii) matters relating to such children or persons which arise after information about them is included in the Register,

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- (iv) children outwith Scotland who may be suitable for adoption,
  - (v) prospective adopters outwith Scotland,
  - (b) provide for how information is to be retained in the Register,
  - (c) make such further provision in relation to the Register as they consider appropriate.
- (3) The Register is not to be open to public inspection or search.
- (4) Information is to be kept in the Register in any form the Scottish Ministers consider appropriate.

### **13B Registration organisation**

- (1) Arrangements made by the Scottish Ministers under section 13A(1) may in particular—
- (a) authorise an organisation to perform the Scottish Ministers' functions in respect of the Register (other than functions of making subordinate legislation),
  - (b) provide for payments to be made by the Scottish Ministers to an organisation so authorised.
- (2) The Scottish Ministers must publish arrangements under section 13A(1) so far as they authorise an organisation as mentioned in subsection (1)(a).
- (3) An organisation authorised in pursuance of subsection (1) (a “registration organisation”) must perform functions delegated to it in accordance with any directions (general or specific) given by the Scottish Ministers.

### **13C Supply of information for the Register**

- (1) An adoption agency must provide the Scottish Ministers with such information as may be prescribed in regulations made under section 13A(2) about—
- (a) children who it considers ought to be placed for adoption or persons who were included in the Register as such children,
  - (b) persons who it considers as suitable to have a child placed with them for adoption or persons who were included in the Register as such persons.
- (2) Regulations made under section 13A(2) may—
- (a) provide that information is to be provided to a registration organisation in pursuance of subsection (1) instead of to the Scottish Ministers,
  - (b) provide for how and by when information is to be provided in pursuance of subsection (1),
  - (c) prescribe circumstances in which an adoption agency, despite subsection (1), is not to disclose information of the type prescribed for the purposes of that subsection.

### **13D Disclosure of information**

- (1) It is an offence to disclose any information derived from the Register other than in accordance with regulations made under section 13A(2) in pursuance of this section.

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- (2) Regulations made under section 13A(2) may authorise the Scottish Ministers or a registration organisation to disclose information derived from the Register—
- (a) to an adoption agency for the purposes of helping it—
    - (i) to find persons with whom it would be appropriate to place a child for whom the agency is acting, or
    - (ii) to find a child who is appropriate for adoption by persons for whom the agency is acting,
  - (b) to any person (whether or not established or operating in Scotland) specified in the regulations—
    - (i) for any purpose connected with the performance of functions by the Scottish Ministers or a registration organisation in pursuance of this Chapter,
    - (ii) for the purpose of enabling the information to be entered in a register which is maintained in respect of England, Wales or Northern Ireland and which contains information about children who are suitable for adoption or prospective adopters,
    - (iii) for the purpose of enabling or assisting that person to perform any functions which relate to adoption,
    - (iv) for use for statistical or research purposes, or
    - (v) for any other purpose relating to adoption.
- (3) Regulations made under section 13A(2) may—
- (a) set out terms and conditions on which information may be disclosed in pursuance of this section,
  - (b) specify steps to be taken by an adoption agency in respect of information received in pursuance of subsection (2),
  - (c) authorise an adoption agency to disclose information derived from the Register for purposes relating to adoption.
- (4) Subsection (1) does not apply to a disclosure of information by or with the authority of the Scottish Ministers.
- (5) A person who is guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding level 5 on the standard scale, or both.

### **13E Fees and other payments**

Regulations made under section 13A(2) may prescribe—

- (a) a fee which is to be paid by an adoption agency when providing information in pursuance of section 13C(1),
- (b) a fee which is to be paid to the Scottish Ministers or a registration organisation in respect of a disclosure of information made in pursuance of section 13D(2), (3)(c) or (4),
- (c) such other fees to be paid by adoption agencies, or payments to be made by them, in relation to the Register as the Scottish Ministers consider appropriate.

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### **13F Use of an organisation as agency for payments**

- (1) The Scottish Ministers may by regulations authorise a registration organisation or any other person to act as agent for the payment or receipt of sums payable by adoption agencies to other adoption agencies and may require adoption agencies to pay or receive such sums through the organisation.
- (2) A registration organisation or other person authorised under subsection (1) is to perform the functions exercisable by virtue of that subsection in accordance with any directions (general or specific) given by the Scottish Ministers.

### **13G Supplementary**

Nothing authorised or required to be done by virtue of this Chapter constitutes an offence under section 72(2) or 75(1).]

**Changes to legislation:**

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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. 14(3A) inserted by [2020 asp 16 s. 30\(5\)](#)
- s. 14(4A)-(4C) inserted by [2020 asp 16 s. 2\(2\)\(c\)](#)
- s. 84(5A)(5B) inserted by [2020 asp 16 s. 2\(3\)\(c\)](#)