

Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 1

ADOPTION

CHAPTER 7

MISCELLANEOUS

Effect of orders, and placing for adoption, under 2002 Act

77 Effect of certain orders made in England and Wales

- (1) An adoption order (within the meaning of section 46(1) of the 2002 Act) has effect in Scotland as it has in England and Wales but as if any reference to the parental responsibility for the child were to the parental responsibilities and parental rights in relation to the child.
- (2) An order made under section 21 of that Act (placement orders), and the variation or revocation of such an order under section 23 or 24 of that Act, have effect in Scotland as they have in England and Wales but as if any reference to the parental responsibility for the child were to the parental responsibilities and parental rights in relation to the child.

Modifications etc. (not altering text)

- C1** S. 77(1) applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 4, **Sch. 3**

Commencement Information

- I1** S. 77 in force at 28.9.2009 by [S.S.I. 2009/267](#), **arts. 1(2), 2** (with **arts. 3-21**) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

Changes to legislation: Adoption and Children (Scotland) Act 2007, Cross Heading: Effect of orders, and placing for adoption, under 2002 Act is up to date with all changes known to be in force on or before 29 October 2020.

There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

78 Effect of placing for adoption etc. under 2002 Act

(1) If—

- (a) a child is placed for adoption under section 19 of the 2002 Act (placing children with parental consent), or
- (b) an adoption agency is authorised to place a child for adoption under that section,

sections 25 (parental responsibility) and 28(2) to (4) (further consequences of placement) of that Act have effect in Scotland as they have in England and Wales but with the modifications specified in subsection (2).

(2) Those modifications are—

- (a) in section 25, any reference to the parental responsibility for the child is to be read as a reference to the parental responsibilities and parental rights in relation to the child, and
- (b) in section 28(2), the reference to the court is to be read as a reference to the appropriate court.

Commencement Information

I2 S. 78 in force at 28.9.2009 by [S.S.I. 2009/267](#), [arts. 1\(2\), 2](#) (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

79 Further consequences of placement and placement orders

(1) Subsection (2) applies where—

- (a) a child is placed for adoption under section 19 of the 2002 Act (placing children with parental consent), or
- (b) an adoption agency is authorised to place a child for adoption under that section.

(2) No order under subsection (1) of section 11 of the 1995 Act (court orders relating to parental responsibilities etc.) of a kind mentioned in subsection (2)(c) (residence orders) of that section may be made in respect of the child.

(3) On the making of an order under section 21 of the 2002 Act (a “placement order”) in respect of a child, any order under subsection (1) of section 11 of the 1995 Act of a kind mentioned in subsection (2)(c) to (f) (residence orders, contact orders, specific issue orders and interdicts in relation to parental responsibilities) of that section in respect of the child ceases to have effect.

(4) Where a placement order is in force—

- (a) no such order as is mentioned in subsection (3) of this section, and
- (b) no order under section ^{F1}36 of the Children’s Hearings (Scotland) Act 2011 ([asp 1](#)) (child assessment orders),

may be made in respect of the child.

Textual Amendments

F1 Words in s. 79(4)(b) substituted (24.6.2013) by [The Children’s Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, [Sch. 1 para. 17\(5\)](#)

Changes to legislation: *Adoption and Children (Scotland) Act 2007, Cross Heading: Effect of orders, and placing for adoption, under 2002 Act is up to date with all changes known to be in force on or before 29 October 2020.*

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Commencement Information

- I3** S. 79 in force at 28.9.2009 by [S.S.I. 2009/267](#), **arts. 1(2), 2** (with [arts. 3-21](#)) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

Changes to legislation:

Adoption and Children (Scotland) Act 2007, Cross Heading: Effect of orders, and placing for adoption, under 2002 Act is up to date with all changes known to be in force on or before 29 October 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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\(3\)\(c\)](#)