



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 7

##### MISCELLANEOUS

###### *Prohibited payments*

### 72 Prohibition of certain payments

- (1) This section applies to any payment (other than an excepted payment) which is made to any person for or in consideration of—
- the adoption by that person of a child,
  - the giving by that person of any consent required in connection with the adoption of a child,
  - the transfer by that person of the care of a child with a view to the adoption of the child, or
  - the making by that person of any arrangements for the adoption of a child.
- (2) Any person who—
- makes any payment to which this section applies,
  - agrees or offers to make any such payment,
  - receives, or agrees to receive, any such payment, or
  - attempts to obtain any such payment,
- commits an offence.
- (3) A person who commits an offence under subsection (2) 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.

- (4) Where a person is convicted of an offence under subsection (2), the court may, without prejudice to any power which it has to make any other order in relation to the child as respects whom the offence was committed, order the child to be removed to a place of safety until—
- (a) the child can be returned to the child’s parent or guardian, or
  - (b) other arrangements can be made for the child.
- (5) In this section—
- “payment” includes reward,
  - “place of safety” has the meaning given by section 93(1) of the 1995 Act.

### **73      Excepted payments**

- (1) A payment is an excepted payment if it is made by virtue of, or in accordance with, provision made by virtue of this Act, the 2002 Act or the Northern Ireland Order.
- (2) A payment is an excepted payment if—
- (a) it is made to an adoption agency by—
    - (i) a parent or guardian of the child, or
    - (ii) a person who adopts, or proposes to adopt, a child,  
in respect of expenses reasonably incurred by the agency in connection with the adoption, or proposed adoption, of the child,
  - (b) it is made in respect of any legal or medical expenses incurred or to be incurred by any person in connection with an application which the person has made, or proposes to make, for an adoption order or an order under section 59,
  - (c) it is authorised by the court to which an application for an adoption order is made,
  - (d) it is made by an adoption agency to another adoption agency in consideration of placing the child for adoption,
  - (e) it is made by an adoption agency to a voluntary organisation for the time being approved for the purposes of this paragraph by the Scottish Ministers as a fee for the services of the organisation in putting the agency in touch with another adoption agency with a view to the making of arrangements between the adoption agencies for the adoption of a child.
- (3) In this section, “payment” includes reward.