



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 7

##### MISCELLANEOUS

###### *Restrictions on arranging adoptions and placing for adoption*

#### **75 Restriction on arranging adoptions and placing children**

- (1) Subject to subsection (2), a person other than an adoption agency who—
  - (a) makes arrangements for the adoption of a child, or
  - (b) places a child for adoption,commits an offence.
- (2) Subsection (1) does not apply if the person proposing to adopt the child or, as the case may be, the person with whom the child is placed is—
  - (a) a parent of the child,
  - (b) any other relative of the child, or
  - (c) where a parent of the child is a member of a relevant couple, the other member of the couple.
- (3) A person who receives a child placed in contravention of subsection (1) knowing that the placement is with a view to the person's adopting the child commits an offence.
- (4) A person who takes part in the management or control of a body of persons—
  - (a) which exists wholly or partly for the purpose of making arrangements for the adoption of children, and
  - (b) which is not an adoption agency,

---

**Changes to legislation:** *Adoption and Children (Scotland) Act 2007, Cross Heading: Restrictions on arranging adoptions and placing for adoption is up to date with all changes known to be in force on or before 15 April 2024. 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*

---

commits an offence.

- (5) A person who commits an offence under this section 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.
- (6) In any proceedings for an offence under subsection (4), proof of—
- (a) things done, or
  - (b) words written, spoken or published,
- by any person taking part in the management or control of the body of persons, or in making arrangements for the adoption of children on behalf of the body, is sufficient evidence of the purpose for which that body exists.
- (7) It is immaterial whether the actions mentioned in paragraphs (a) and (b) of subsection (6) are carried out in the presence of a party to the proceedings.

#### Commencement Information

- I1** S. 75 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)

## 76 Adoption societies which are not registered adoption services

- (1) Subsection (2) applies where—
- (a) an adoption society is—
    - (i) a registered adoption society, or
    - (ii) registered as respects Northern Ireland under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431), and
  - (b) the society is not a registered adoption service.
- (2) Except to the extent that the society considers it necessary to do so in the interests of a person mentioned in section 3(1) of [<sup>F1</sup>the 2002 Act] or, as the case may be, Article 3 of the Northern Ireland Order, it must not act as an adoption society in Scotland.

#### Textual Amendments

- F1** Words in s. 76(2) substituted (27.1.2010) by [Adoption and Children \(Scotland\) Act 2007 \(Modification of Enactments\) Order 2010 \(S.S.I. 2010/21\)](#), art. 1, [Sch. para. 8\(4\)](#)

#### Commencement Information

- I2** S. 76 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: Restrictions on arranging adoptions and placing for adoption is up to date with all changes known to be in force on or before 15 April 2024. 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.

[View outstanding changes](#)

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