



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 4

### GENERAL

#### 119 Interpretation

- (1) In this Act, unless the context otherwise requires—
- “the 1995 Act” means the Children (Scotland) Act 1995 (c. 36),
  - “the 2002 Act” means the Adoption and Children Act 2002 (c. 38),
  - “the Northern Ireland Order” means the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203),
  - “adoption agency”—
    - (a) means—
      - (i) a local authority, or
      - (ii) a registered adoption service, and
    - (b) in sections 15, 17, 18, 20, 58 and 75 includes—
      - (i) an adoption agency within the meaning of section 2(1) of the 2002 Act (adoption agencies in England and Wales), and
      - (ii) an adoption agency within the meaning of Article 3 of the Northern Ireland Order (adoption agencies in Northern Ireland),
  - “adoption order” has the meaning given by section 28(1),
  - “adoption society” means a body of persons whose functions consist of or include the making of arrangements for or in connection with the adoption of children,
  - “adoption support services” has the meaning given by section 1(5),
  - “applicant”, in sections 16 to 19 and 34, has the meaning given by section 15(2),
  - “British Islands” means the United Kingdom, the Channel Islands and the Isle of Man,
  - “child” means a person who is under the age of 18,
  - “compulsory measures of supervision” has the same meaning as in Part II of the 1995 Act,

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*Status: This is the original version (as it was originally enacted).*

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“the Convention” means the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993,

“Convention adoption” means an adoption effected under the law of a Convention country outwith the British Islands and certified in pursuance of Article 23(1) of the Convention,

“Convention adoption order” means an adoption order which, by virtue of regulations under section 1 of the Adoption (Intercountry Aspects) Act 1999 (c. 18), is made as a Convention adoption order,

“Convention country” means any country or territory in which the Convention is in force,

“guardian”, in relation to a child, means a person appointed by deed or will or by a court of competent jurisdiction to be the guardian of the child,

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),

“notice” means notice in writing,

“overseas adoption” has the meaning given by section 67,

“parental responsibilities” and “parental rights” have the meanings respectively given by sections 1(3) and 2(4) of the 1995 Act (analogous expressions being construed accordingly),

“permanence order” has the meaning given by section 80(2),

“registered adoption service” has the meaning given by section 2(3),

“registered adoption society” has the meaning given by section 2(2) of the 2002 Act,

“relative”, in relation to a child, means a grandparent, brother, sister, uncle or aunt of the child (in each case, whether or not by affinity, and in the cases of a brother, sister, uncle or aunt, whether of the full-blood or half-blood); and includes a civil partner of any such grandparent, brother, sister, uncle or aunt,

“relevant family” has the meaning given by section 45(7); and “member”, in relation to a relevant family, is to be construed accordingly,

“supervision requirement” has the meaning given by section 93(1) of the 1995 Act,

“voluntary organisation” means a body other than a public or local authority the activities of which are not carried on for profit.

- (2) In this Act, unless the context otherwise requires, references to adoption are to the adoption of children, wherever they may be habitually resident, effected under the law of any country or territory, whether within or outwith the British Islands.
- (3) In this Act, references to an adoption service include references to part of such a service.
- (4) In this Act, references, in relation to a child, to being looked after by a local authority are to be construed in accordance with section 17(6) of the 1995 Act.
- (5) In this Act, references to a relevant couple are to be construed in accordance with section 29(3).
- (6) Subject to subsection (7), for the purposes of this Act, a person is deemed to make arrangements for the adoption of a child if—

- (a) the person enters into or makes any agreement or arrangement for, or for facilitating, the adoption of the child by any other person (whether the adoption is effected or intended to be effected in Great Britain or elsewhere),
  - (b) the person initiates or takes part in any negotiations the purpose or effect of which is the conclusion of any such agreement or the making of any such arrangement, or
  - (c) the person causes another person to act as mentioned in paragraph (a) or (b).
- (7) The making under section 70 of the 1995 Act by a children's hearing of a supervision requirement which, in respect that it provides as to where the child is to reside, facilitates an adoption agency's placing the child for adoption does not constitute the making of such arrangements.