Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 1

ADOPTION

CHAPTER 2

THE ADOPTION PROCESS

Preliminary

14   Considerations applying to the exercise of powers

(1) Subsections (2) to (4) apply where a court or adoption agency is coming to a decision relating to the adoption of a child.

(2) The court or adoption agency must have regard to all the circumstances of the case.

(3) The court or adoption agency is to regard the need to safeguard and promote the welfare of the child throughout the child's life as the paramount consideration.

(4) The court or adoption agency must, so far as is reasonably practicable, have regard in particular to—
    (a)   the value of a stable family unit in the child's development,
    (b)   the child's ascertainable views regarding the decision (taking account of the child's age and maturity),
    (c)   the child's religious persuasion, racial origin and cultural and linguistic background, and
    (d)   the likely effect on the child, throughout the child's life, of the making of an adoption order.

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(5) Where an adoption agency is placing a child for adoption it must have regard, so far as is reasonably practicable, to the views of the parents, guardians and other relatives of the child.

(6) In carrying out the duties imposed on it by subsections (2) to (4) an adoption agency must, before making any arrangements for the adoption of a child, consider whether adoption is likely best to meet the needs of the child or whether there is some better practical alternative for the child.

(7) If an adoption agency concludes that there is an alternative such as is mentioned in subsection (6), it must not make arrangements for the adoption of the child.

(8) Without prejudice to the generality of subsection (4)(b), a child who is aged 12 or over is presumed to be of sufficient age and maturity to form a view for the purposes of that subsection.

Modifications etc. (not altering text)

C1   Pt. 1 Ch. 2 applied in part (28.9.2009) by Adoptions with a Foreign Element (Scotland) Regulations 2009 (S.S.I. 2009/182), regs. 1(1), **9(1)**

C2   S. 14(1) modified (28.9.2009) by Adoptions with a Foreign Element (Scotland) Regulations 2009 (S.S.I. 2009/182), regs. 1(1), **9(3)**

C3   S. 14(1)-(4) 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**

C4   S. 14(8) 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. 14 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, Section 14 is up to date with all changes known to be in force on or before 29 May 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 :
–   s. 14(1) word substituted by 2020 asp 16 s. 2(2)(a)
–   s. 14(4)(b) repealed by 2020 asp 16 s. 2(2)(b)
–   s. 14(6) word substituted by 2020 asp 16 s. 2(2)(d)
–   s. 14(8) repealed by 2020 asp 16 s. 2(2)(e)

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)