



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 6

##### ADOPTIONS WITH A FOREIGN ELEMENT

###### *Restrictions on movement of children*

#### **58 Restriction on bringing children into the United Kingdom**

- (1) This section applies where a person who is habitually resident in the British Islands (the “British resident”)—
  - (a) brings, or causes another to bring, a child who is habitually resident outwith the British Islands into the United Kingdom for the purpose of adoption by the British resident, or
  - (b) at any time brings, or causes another to bring, into the United Kingdom a child adopted by the British resident under an external adoption effected within the period of 12 months ending with that time.
- (2) In subsection (1), the references to adoption, or a child adopted, by the British resident include a reference to adoption, or a child adopted, by the British resident and another person.
- (3) This section does not apply if the child is intended to be adopted under a Convention adoption order.
- (4) An external adoption means an adoption, other than a Convention adoption, of a child effected under the law of any country or territory outwith the British Islands, whether or not the adoption is—
  - (a) an adoption within the meaning of Chapter 3, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) a full adoption (as defined in section 40(8)).
- (5) Regulations may require a person intending to bring, or to cause another to bring, a child into the United Kingdom in circumstances where this section applies—
- (a) to apply to an adoption agency in the prescribed manner for an assessment of the person’s suitability to adopt the child, and
  - (b) to give the agency any information it may require for the purpose of the assessment.
- (6) Regulations may require prescribed conditions to be met in respect of a child brought into the United Kingdom in circumstances where this section applies.
- (7) In relation to a child brought into the United Kingdom for adoption in circumstances where this section applies, regulations may provide for any provision of Chapter 2 to apply with modifications or not to apply.
- (8) Regulations may provide for this section not to apply if—
- (a) the adopters or, as the case may be, prospective adopters of the child in question are—
    - (i) natural parents,
    - (ii) natural relatives, or
    - (iii) guardians,of the child (or one of them is), or
  - (b) the British resident in question is a step-parent of the child, and any prescribed conditions are met.
- (9) On the occasion of the first exercise of the power to make regulations under subsection (8)—
- (a) the regulations must not be made unless a draft of the regulations has been approved by a resolution of the Scottish Parliament, and
  - (b) accordingly section 117(4) does not apply to the statutory instrument containing the regulations.
- (10) In this section, “prescribed” means prescribed by regulations and “regulations” means regulations made by the Scottish Ministers.