



# Adoption and Children (Scotland) Act 2007

2007 asp 4

## PART 1

### ADOPTION

#### CHAPTER 6

##### ADOPTIONS WITH A FOREIGN ELEMENT

###### *Overseas adoptions etc.*

#### **70 Effect of determinations and orders made outwith Scotland**

(1) Subsection (2) applies where—

- (a) an authority of a Convention country (other than the United Kingdom) having power under the law of that country—
  - (i) to authorise, or review the authorisation of, a Convention adoption, or
  - (ii) to give or review a decision revoking or annulling such an adoption or a Convention adoption order, or
- (b) an authority of a relevant territory having power under the law of that territory—
  - (i) to authorise, or review the authorisation of, a Convention adoption or an adoption effected in that territory, or
  - (ii) to give or review a decision revoking or annulling such an adoption or a Convention adoption order,makes a determination (“the relevant determination”) in the exercise of that power.

(2) Subject to section 68 and any subsequent determination having effect under this subsection, the relevant determination has effect in Scotland for the purpose of effecting, confirming or terminating the adoption in question or confirming its termination as the case may be.

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*Status: This is the original version (as it was originally enacted).*

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- (3) In subsection (1), “relevant territory” means—
- (a) any of the Channel Islands,
  - (b) the Isle of Man, or
  - (c) any British overseas territory (within the meaning of the British Nationality Act 1981 (c. 61)).
- (4) Section 35 applies in relation to an order under Article 17 (freeing child for adoption with parental agreement) or 18 (freeing child for adoption without parental agreement) of the Northern Ireland Order as if it were an adoption order.
- (5) Sections 35(2) and (3) and 43 apply in relation to a child who is the subject of an order which—
- (a) is similar to an order under section 59, and
  - (b) is made (whether before or after this Act has effect) in a part of the British Islands,
- as those sections apply in relation to a child who is the subject of an adoption order.